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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1419 OF 2022

Afsar Maulasahab Shaikh

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. Ankush N. Nagargoje, Advocate for the applicant

Mr. V. S. Badakh, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd NOVEMBER, 2022

ORDER :

1. The applicant apprehends his arrest in connection with Crime No. 422 of 2022 registered with Udgir Rural Police Station, District – Latur for the offence punishable under section 377, 327, 323, 504, 506 read with 34 of the Indian Penal Code.
2. It is alleged in the FIR that brother of the informant had obtained loan of Rs.2,70,000/- from the applicant, at 20% interest per month. The applicant used to visit the shop of the brother of the informant for demanding the loan amount. On the day of the incident, when the informant was at the shop of his brother that time, the applicant came there and forcefully taken him to a secluded place in an agriculture field near dam and

forced his organ in his mouth and threatened to kill him, if the loan amount is not repaid. It is also alleged that the applicant, along with others, has taken away grinding machine, pressing machine and hydrolick machine and other articles from the shop, in Bolero pickup van and while leaving, threatened the informant not to disclose the incident to anybody. The informant lodged the FIR after two days of the incident.

3. Heard learned advocate for the applicant and learned Additional Public Prosecutor. Perused the investigation papers.

4. At the time of conducting spot *Panchanama* of the shop, the informant disclosed that he wrongly mentioned that grinding machine, pressing machine and hydrolick machine etc. were taken away by the accused persons in Bolero pickup van.

5. *Prima facie*, the contention of the applicant that so as to avoid repayment of the hand loan given to the brother of the informant, afterthought the applicant is implicated in the false case, appears to be probable. There is delay of two days in lodging the FIR. The investigation appears to be almost complete and custodial detention of the applicant, in the peculiar facts, does not seem necessary. The application is, therefore, allowed.

6. In the event of arrest of the applicant in connection with

Crime No. 422 of 2022 registered with Udgir Rural Police Station, District – Latur for the offence punishable under section 377, 327, 323, 504, 506 read with 34 of the Indian Penal Code, the applicant be released on executing Personal Bond of Rs.15000/- with one surety in the like amount. The applicant shall attend the concerned police station everyday from 25th to 30th November, 2022 between 10.00 a.m. and 12.00 noon and co-operate in the investigation. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

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