

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1581 OF 2022

**UMAKANT RAOSAHEB ANDHURE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Mr. R. S. Deshmukh, Sr. Advocate i/b Mr. D. R. Deshmukh and
Mr. V. R. Jain (Kamboj), Advocates for Applicant
Mr. A. V. Deshmukh, APP for Respondents – State
Mr. P. R. Katneshwarkar, Advocate h/f Mr. V. S. Undre, Advocate
for Informant

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 20th DECEMBER, 2022

PER COURT :

1. Applicant apprehends arrest in Crime No.487/2022, registered with Jamkhed Police Station, Ahmednagar, for offences punishable under Sections 327, 504, 506 read with 34 of the Indian Penal Code.

2. FIR is lodged by Bharat Pandurang Jagdale against seven accused persons, applicant being accused No.1, his son being accused No.2 and his brother being accused No.3, in short, alleging that he used to park his two wheeler in front of the shop of applicant and quarrel used to take place on that ground between the parties. On 23/10/2022 at 08:30 p.m. when informant parked his two wheeler in front of applicant's shop and went to have a cup of tea in front of that shop, all the accused persons

came there and assaulted him with fist and kick blows and bricks. Applicant assaulted with iron rod on leg and chest of informant and snatched his golden chain of 7 Tolas and threatened him with life.

3. Heard learned senior advocate for applicant, learned advocate for informant and learned Additional Public Prosecutor for respondents – State. Perused the investigation papers.

4. At the instance of applicant's side, FIR bearing Crime No.486/2022 is registered with the same police station for offences punishable under Sections 307, 326, 387, 324, 109 read with 34 of the Indian Penal Code, against informant and seven other persons, wherein it is alleged that accused persons named in the FIR were demanding Rs.50 Lakhs as extortion money. On 23/10/2022, since extortion amount was not paid, accused persons attacked applicant's side with fist and kick blows, stones, tiles and bricks. Injury certificate in the said crime supports the allegations made in the FIR.

5. Applicant is a businessman, paying income tax and has no criminal antecedents. *Prima facie* the allegations appear to be made to counterblast the FIR lodged by applicant's side and with a view to increase gravity of offence, allegation of snatching of golden chain appears to be added. The said allegation *prima facie* does not inspire confidence. There are criminal antecedents of informant and

other accused persons named in the FIR lodged by applicant's side.

6. Applicant was granted interim protection by this Court and has cooperated in the investigation. Application is, therefore, allowed by confirming interim order passed by this Court on 28/11/2022. Till filing of charge-sheet, applicant shall attend concerned police station as and when called by Investigating Officer. Applicant shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)

SVH