

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1037 OF 2022

Mr.Harishchanddra Kannu Rathod

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.Nitin Satpute, Advocate for the Applicant.

Mr.A.A.Palkar, APP for the Respondent.

CORAM : VINAY JOSHI, J.

DATE : 28th APRIL, 2022.

P.C.:-

1. In anticipation of arrest, in Crime No.122 of 2022 for the offence punishable under Section 327, 427, 323, 504, 506, 143, 147, 148, 149, 324 r/w 34 of the Indian Penal Code, the applicant is seeking for pre-arrest protection.

2. State opposed bail by pointing towards injury certificate. It is contended that the offence is of serious nature.

3. At the instance of report lodged by informant Dipak, crime was registered. It is his case that he had borrowed Rs.300/- from his friend Sangram. The applicant who is a village Sarpanch telephonically asked the informant to repay the amount. Within short time applicant alongwith other co-accused went near Gram Panchayat office to meet informant. It is alleged that applicant No.1 beated informant No.1 by stone and thereafter all of them have snatched gold ornaments from the informant and his mother. Hence, report.

4. The applicant's learned counsel primely submitted that the story projected by informant itself is doubtful. It is not acceptable

that informant was unable to pay Rs.300/-, when he himself stated that his gold ornaments were forcibly snatched. There appears to be substance in the contention.

5. The applicant's learned counsel submitted that on the very day one of the co-accused Mithun was assaulted by informant's party for which report for similar penal provisions was lodged. He has submitted that in said counter FIR pre-arrest bail was granted to all the assailants. Perusal of the injury certificate discloses that informant abrasion, contusion, and blunt trauma. None of the injury was specified to be of grievous nature. Having regard to all above aspects, applicant's liberty can be protected by directing him to join the course of investigation. In view of that, following order:-

- (a) The Application stands allowed.
- (b) In the event of arrest, the Applicant/Accused namely - Mr.Harishchanddra Kannu Rathod in Crime No.122 of 2022 for the offence punishable under Section 327, 427, 323, 504, 506, 143, 147, 148, 149, 324 r/w 34 of the Indian Penal Code, be released on interim bail on his furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant shall attend the concerned Police Station on every Sunday in between 10.00 a.m. to 12.00 noon to facilitate the investigation.
- (d) The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the prosecution evidence.
- (e) The Application stands disposed in above terms.

(VINAY JOSHI, J.)

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