

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.146 OF 2023

Sandesh s/o Harishchandra Chamle & anr.... **APPLICANTS**

VERSUS

The State of Maharashtra

... **RESPONDENT**

.....
Mr. P.P. Giri, Advocate for applicants
Mr. G.O. Wattamwar, A.P.P. for respondents
.....

CORAM : R.G. AVACHAT, J.

DATE : 9th MARCH, 2023

P.C. :

Heard. The First Information Report (F.I.R.) has been lodged by Umaji Mule, a retired P.S.I. It is his case that, his father had lent a sum of Rs.50,000/- to the applicant No.1. His father passed away 2 – 3 months before the alleged incident of 8/12/2022. The informant had been to the residence of the applicants to make a demand of the amount due to his father. The applicant No.2, son of applicant No.1 picked up quarrel with him. The applicant No.2 assaulted on the informant's head with a brick. The informant was robbed of a sum of Rs.4500/-.

2. It is informed that, pursuant to the directions of this

Court, it appears that, that much amount has been paid by the applicant to the investigating officer. Except the offence punishable under Section 327 of the Indian Penal Code, rest are all bailable one. The amount allegedly robbed from the informant has now been recovered. The investigating officer shall pay the said amount to the informant immediately.

3. The learned counsel for the applicants would submit that, the informant being a retired P.S.I., has lodged a false report only with a view to ensure recovery of the amount which was in fact not due from the applicant. It is a matter of evidence. Since a sum of Rs.4500/- which was robbed from the informant, has now been recovered and rest of the offences being bailable one, the Court is inclined to allow the application. Hence the order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicants in connection with Crime No.0285/2022, registered with Deoni Police Station, District Latur for the offences punishable under Sections 327, 324, 323, 506 read with Section 34 of the

Indian Penal Code, the applicants be released on bail on their executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) each with one surety in the like amount.

- (iii) The applicants shall not tamper with the prosecution evidence. The applicants shall appear before the concerned police station as and when required by the investigating officer.

(R.G. AVACHAT, J.)

fmp/-