

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

919 ANTICIPATORY BAIL APPLICATION NO.287 OF 2023

Jagannath s/o Gulab Jadhav,

...Applicant

VERSUS

1. State of Maharashtra,

2. The Superintendent of Police,
Ahmednagar.

...Respondents.

...

Advocate for Applicant : Mrs. Medha Pramod Patel h/f Mr.Arora
Shyam C.

APP for Respondents-State : Mr. K.N.Lokhande

...

CORAM : R. G. AVACHAT, J.

DATE : 17.03.2023.

PER COURT :

1. Heard.

2. The First Information Report ("F.I.R.") has been lodged by the informant himself. It has been alleged therein that the informant runs a Chicken Shop at Village Pimpri Valan, Tq. Rahuri, Dist. Ahmednagar. There is a civil dispute over the agricultural land. It is alleged that, on 18.10.2022 the applicant along with co-accused Chetan Jadhav came to the informant's Chicken Shop. They picked up quarrel with him. Both of them abused and assaulted the informant with stones. They also unauthorizedly entered into the

informant's shop. The applicant is alleged to have removed sum of Rs. 5,000/- from the till of the informant's shop. When the uncle and others intervened to rescue him, they too were not spared. The applicant and co-accused gave them threats to their life.

3. The learned APP has placed on record injury certificates of the informant and his uncle to suggest that both of them suffered injuries grievous in nature. He would also submit that the informant has been robbed of Rs. 5,000/-. The offences punishable under Section 452 and 327 of the Indian Penal Code are non bailable. The amount is yet to be recovered. He, therefore, urged for rejection of the application.

4. The learned Advocate for the applicant would submit that, the allegations in the FIR are general in nature. There is a history of civil litigation and therefore, possibility of a petty incident to have been blown out of proportion cannot be ruled out. She would further submit that, if the Court calls upon the applicant to deposit an amount of Rs. 5,000/-, he will abide by the direction.

5. Considered the submissions advanced. Perused the FIR and related papers.

6. There is history of civil litigation. The injuries suffered by the informant and uncle are grievous in nature and those are alleged

to have been caused with stones. The offence punishable under Section 325 of the IPC is bailable one. So far as regards the allegations of informant to have been robbed of Rs. 5,000/- are concerned, the applicant come around to deposit that much amount. In view of the above, the application is allowed in terms of following order :-

ORDER

(a) In the event of arrest of the applicant, in connection with Crime No. 1000 of 2022 registered with Rahuri Police Station, Tq. Rahuri, District Ahmednagar for the offences punishable under Sections 327, 427, 452, 504, 506 read with Section 34 of the Indian Penal Code, the applicant be released on executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount on conditions that

(i) The applicant to deposit Rs. 5,000/- (Rs. Five Thousand Only) in the trial Court and the amount be paid to the informant immediately.

(ii) The applicant shall appear before the investigating officer, as and when required for the investigating purpose.

(iii) The applicant shall not tamper with the prosecution evidence.

(R. G. AVACHAT)
JUDGE