

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

947 ANTICIPATORY BAIL APPLICATION NO.889 OF 2023

PRADIP SHANKAR CHAVHAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Arjun Raosaheb Lukhe
APP for Respondent – State : Mr. S.N. Morampalle
...

CORAM : R. M. JOSHI, J.
DATE : 7th JULY, 2023

PER COURT :

. Applicant is apprehending arrest in connection with Crime No.345 of 2023 registered with Ambad Police Station, Dist. Jalna for the offences punishable under Section 395 and 427 of the Indian Penal Code.

2. It is contention of informant that on 10.05.2023 present applicant along with four persons came to the hotel of informant. They did not pay bill of Rs.600/- and on the contrary claimed that bill was paid to the waiter. When informant obstructed them from leaving the hotel, they abused and assaulted him with slaps and fist blows. It is alleged against present applicant that he assaulted

witness - Swapnil on his hand with sickle. It is further alleged that applicant and others snatched Rs.20,000/- and fled away from the spot.

3. Learned counsel for applicant states that later on statement was made by informant about bill amount being taken by brother of informant and that it is not case for attracting Section 395 of I.P.C. He further states that applicant is aged about 23 years and he has no criminal antecedents and that this is a possible case of over implication.

4. Learned APP opposed application by submitting that statement of informant and injured witness gets support from injury certificate. According to him, custodial interrogation of applicant is necessary for recovery of weapon.

5. It is contention of first informant in his report that there was dispute between applicant and him over the non payment of bill. It is alleged in FIR that initially accused assaulted him with hands and fists blows. It is also alleged that they snatched Rs.20,000/- from cash counter. Later on, informant gave supplementary statement

stating that no incident of snatching of any money has taken place. Apart from this, perusal of injury certificate shows that it was informed to the Medical Officer about use of wooden sticks for causing assault on him. This is conspicuously absent in the FIR. Thus, there is reason to believe that this would be a case of over implication. Applicant has no criminal antecedents. For the purpose of recovery of weapon, applicant can be directed to remain present before Investigating Officer and he shall be treated to be in custody of the police for the purpose of such recovery. Hence, following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No.345 of 2023 registered with Ambad Police Station, Dist. Jalna for the offences punishable under Section 395 and 427 of the Indian Penal Code, he be released on bail on furnishing PR Bond of Rs.15,000/- (Rs. Fifteen Thousand only) with one solvent surety in the like amount.
- (iii) He shall attend the concerned police station as and when called.

- (iv) He shall not contact the witnesses directly or indirectly.
- (v) He shall not interfere with the evidence in any manner whatsoever.
- (vi) He is further directed to cooperate with the investigating agency for further investigation.

[R. M. JOSHI]
JUDGE

GGP