

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1652 OF 2022

Ravindra Devidas Misal

...Applicant

Versus

The State Of Maharashtra And Another

...Respondents

Mr. Vikram Bhangе h/f. Mr. K.D. Jadhav, Advocate for the applicant.

Mr. A.V. Deshmukh, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 5th JANUARY, 2023

ORDER :

1. The applicant apprehends his arrest in Crime No. 464/2021, registered with Pahur Police Station, Jalgaon, for offences punishable under sections 143, 147, 148, 149, 326, 323, 341, 327 of the Indian Penal Code, and under section 135 135 of Maharashtra Police Act.

2. First Information Report is lodged by Akshay Koli, Restaurant owner, alleging that on 29.11.2021, when he was proceeding towards hotel, 10 to 15 persons came in auto rikshaw and intercepted him. Accused Krushna gave a slap to him. Accused Gorakh and Vaibhav assaulted him. One of the

accused assaulted with weapon like gupti. His golden chain weighing 1½ gram was snatched in the incident.

3. Heard the learned advocate for the applicant and learned Additional Public Prosecutor for respondents. Perused the investigation papers.

4. The name of the applicant is not mentioned in the FIR. The incident has allegedly taken place on 29.11.2021, however, the FIR is lodged on 03.12.2021. Name of the present applicant is for the first time taken by informant in supplementary statement recorded on 03.12.2021. It is alleged that the applicant snatched golden chain of the informant. Two eye witnesses have named the applicant and stated in their statement recorded on 11.03.2022 that the applicant has snatched golden chain of informant.

5. Applicant claims that he has completed training with Maratha Commando Security and Intelligence and Man Power Force, Kolhapur and now he is on probation and he has not committed any crime and he is falsely implicated in the present crime. Applicant has no criminal antecedents. It appears that

allegations of snatching of chain are made only to increase the gravity of the offence.

6. Two accused persons named in the FIR are arrested and weapons allegedly used during the course of incident are recovered. Three other accused are juvenile. Charge sheet is filed in the crime on 29.06.2022. In the light of above facts, pre-trial custodial detention of the applicant is not warranted. The applicant therefore deserves protection.

7. The application is allowed by confirming interim order dated 13th December, 2022.

8. The applicant shall co-operate in the investigation and shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]