

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1665 OF 2022

Datta Sopan Patekar

.... Applicant

Versus

The State of Maharashtra
and another

.... Respondents

.....
Mr. P.P. Mandlik, Advocate h/f Mr. A.S. Gandhi, Advocate for
the Applicant

Mr. A.V. Deshmukh, APP for Respondents – State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 27th FEBRUARY, 2023

ORDER :

1. The applicant apprehends his arrest in connection with Crime No.987 of 2022 registered with Rahuri Police Station, District Ahmednagar for offences punishable under sections 327, 452, 504, 506 of the Indian Penal Code.

2. FIR is lodged by Appasaheb Bhimraj Dhus alleging that the applicant was given a contract of construction of house. There was a dispute between the informant and the applicant over payment of construction charges. On 11/10/2022, at about 5.00 p.m., the applicant went to the house of informant and abuses in filthy language and assaulted him by fists and kicks, and threatened him to file

complaint against him under the Atrocities Act, and snatched golden chain (weighing 3 *tolas*) of informant worth Rs.1,90,000/-. The applicant also Threatened to kill the informant.

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

4. The applicant has lodged FIR at Crime No. 985 of 2022 with the same police station against the informant and his son, which is registered for offences punishable under sections 323, 504, 506 of the Indian Penal Code and under sections 3(1)(r), 3(1)(s) of the Scheduled Castes Schedule Tribe (Prevention of Atrocities) Act, about the same incident on 12/10/2022, wherein it is alleged that when the applicant demanded his construction charges, both the accused persons named in the FIR refused to pay him, and the informant threatened him that if he come back again to his house, he will be killed with the revolver.

5. *Prima facie*, the dispute appears to be of payment of construction charges, which the applicant is demanding, and the informant is refusing to pay the same, is being given

colour of criminal offence, and it *prima facie* appears that to increase gravity of the offence, allegation of snatching of gold chain is levelled in the present report. There are no criminal antecedents against the applicant, and therefore, *prima facie*, allegations of snatching of gold chain do not inspire confidence.

6. The applicant was granted interim protection and he has co-operated in the investigation. In the facts for the present case, pre-trial custodial detention of the applicants is not necessary.

7. In the result, application is allowed by confirming interim protection.

8. In the event of arrest of the applicant in Crime No.987 of 2022 registered with Rahuri Police Station, District Ahmednagar for offences punishable under sections 327, 452, 504, 506 of the Indian Penal Code, the applicant shall be released on executing Personal Bond of Rs.15,000/- with one surety in the like amount. The applicant shall not tamper prosecution evidence.

9. Till filing of the charge sheet, the applicant shall attend the concerned police station on every Saturday and Sunday between 10.00 a.m. and 12.00 noon and shall co-operate in the investigation. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane