

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1675 OF 2023

Babu Damu Pawar

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Jaydeep D. Mane for the Applicant.

Mr. S.H. Yadav, APP for the Respondent -State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 15th JUNE, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R. 229 of 2023 registered with Vijapur Naka Police Station, Solapur (city) for the offences punishable under Sections 323, 327, 504 and 506 r/w 34 of the IPC.

2. The aforesaid crime was registered pursuant to the FIR dated 25/04/2023 lodged by Aditya Bharat Jadhav. A perusal of the FIR prima facie reveals that on 24/04/2023 at about 7.30 p.m. the First Informant had gone to the house of the Applicant to collect clothes, which were given for embroidery. It is stated that the

Applicant and his son abused and assaulted the First Informant. It is stated that they threatened to cause his death and in this scuffle the Applicant snatched gold chain of the First Informant. It is further stated that subsequently he learnt that cash of Rs.26,000/- and the clothes, which he had kept in the car were missing. Based on these allegations, the aforesaid crime has been registered.

3. The FIR does not prima facie indicate that the Applicant had caused hurt to the First Informant for the purpose of extortion or with an intention to compel him to do any illegal act or facilitate commission of offence. In such circumstances, prima facie offence under Section 327 is not made out. Other offences are bailable.

4. Considering the nature of the accusations, in my considered view this is a fit case to exercise discretion under Section 438 of the Cr.P.C. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. 229 of 2023 registered with Vijapur Naka Police Station, Solapur (city) the Applicant is ordered to be released on bail on furnishing bail bonds

in the sum of Rs.25,000/- with one or two sureties to the like amount;

(ii) The Applicant shall report to the concerned Investigating Officer for a period of two days i.e. 19/06/2023 and 20/06/2023 between 11.00 a.m. to 2.00 p.m. and thereafter as and when required by the Investigating Officer for the purpose of Investigation;

(iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner.

(iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

5. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)