

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

Criminal Application No.107 of 2015

Sachin S/o Baburao Rathod. .. **Applicant.**

Versus

The State of Maharashtra
And Another. .. **Respondents.**

Shri. S.B. Talekar, Advocate, for applicant.

Shri. N.B. Patil, Additional Public Prosecutor, for
respondents.

CORAM: T.V. NALAWADE, J.

DATE : 19th JANUARY 2015

ORDER:

1) The application is filed for relief of anticipatory bail. Both the sides are heard. This Court has perused the papers of investigation.

2) Crime is registered on the basis of report given by a lady police officer. She is occupying Government residential quarters. There is adjacent quarter which was initially occupied by her colleague who is transferred to other station. The present applicant Sachin is the son of

her colleague and he is residing alone in that residential quarter. There are allegations that the present applicant and his friends are using the said quarters for gambling, for drinking liquor and they are creating nuisance. It is her case that she reported the matter to her higher authorities and due that the present applicant had given threats to teach her a lesson.

3) The incident in question took place on the night between 24-12-2014 and 25-12-2014. Allegations are made by the lady officer that when she was sleeping in her residential quarters at about 2.00 a.m. she heard some noise at the compound and then she came out. It is her case that she noticed that scooty was on fire and the present applicant was running away from the scooty. She somehow extinguished fire and gave report. She reported that due to this incident damage was caused to her scooty and she sustained loss of more than Rs.50,000/-. She took a specific stand that present applicant was responsible for the incident. Crime is registered for offence punishable under section 436, IPC and section 3 of the Prevention of Damage to Public Property Act.

4) This Court has perused the spot panchanama and it shows that not only the scooty was damaged in the fire but the building also sustained damage and the fire reached up to the ceiling of the building.

5) Learned counsel for the applicant submits that the applicant is a student and recently he has received interview call from MPSC and his career will be spoiled if relief is not granted to him. In such case, such submission is not at all acceptable. Allegations made and the record are sufficient to show that the allegations cannot be called as false allegations. Learned counsel for the applicant submits that the lady, complainant has dispute with her husband and she has given report against her husband and offence under section 498-A, IPC is registered against her husband and the complainant felt that the present applicant was supplying information to her husband and due to that the present applicant is falsely implicated. This submission also is not at all acceptable. There is material of the aforesaid nature. The complainant alone is residing in the quarters and the present applicant, who is aged about 28 years, is involved in the aforesaid act. No

lenient view can be taken in favour of such person. Custodial interrogation is a must. Offence under section 436 IPC is punishable for imprisonment for life. Learned counsel submits that ingredients of section 436 are not attracted. The material is not supporting this contention. Learned counsel further submits that there is delay in giving report. This submission also cannot be considered in view of the aforesaid material.

6) The application is rejected.

Sd/-
(T.V. NALAWADE, J.)

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