

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 1248 OF 2015.

SANJAY DATTATRAYA KULKARNI.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Shambhuraje V. Deshmukh, Advocate for the Applicant.

Mr. A.V. Deshmukh, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 7th May, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of anticipatory bail, since he is apprehending his arrest in connection with CR No.3/2015 registered with Police Station, Umri, District – Nanded for the offences punishable under Section.s. 387 and 389 of the Indian Penal Code.

[2] Heard Mr. Shambhuraje V. Deshmukh, Advocate for the Applicant and Mr. A.V. Deshmukh, Additional Public Prosecutor for the State of Maharashtra.

[3] First informant is Pandit P. Narhari Hasanpalli. He filed application under Section 156(3) of the Code of Criminal Procedure before the learned Judicial Magistrate, F.C., Umri (Cri.M.A.No.5/2015) on 17th January, 2015.

In view of the said Application, reference is made by the first informant that on 22/10/2014 he had been to the Police Station, Umri but police did not take any action. Thus for the occurrence dated 9th July, 2014 and 7th August, 2014 firstly he approached to the Police Station on 22/10/2014. No explanation is offered in the First Information Report about delay for approaching to the police authority on 22/10/2014.

[4] Nature of accusation made against the present applicant is that on 09/07/2014 when the applicant met first informant in front of Dena Bank, Umri he demand Rs.1 Lakh; otherwise threat is given for dire consequences and to remove his from the service. Said was also reiterated on 07/08/2014 on the same place.

[5] The learned counsel for the applicant has invited my attention to the order of District Collector, Nanded dated 18/05/2013 (No.2012/MCA/K-1/T-1/CR-95-2013.) Said order is passed in proceedings initiated by the present applicant in respect of disqualification of sister of the first informant and the learned District Collector allowed the said Petition and sister of the first informant was disqualified to continue as Member of Municipal Council, Umri, holding that she is responsible for unauthorized construction. Thus, it is clear that the first informant is nursing grudge against the present applicant.

[6] Looking to the nature of the accusation made and looking to the fact that there is delay of about 5 months, false implication of the first informant cannot be ruled out.

[7] The learned Additional Public Prosecutor invited attention of

this court to the statement of one witness namely Balaji from the investigation papers. Said statement is recorded on 20/04/2015. Alleged incident occurred in presence of Balaji, as claimed by him however, no explanation is given as to why he kept mum for near about 6 months. That leads me to pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) In the event of arrest, Applicant - SANJAY DATTATRAYA KULKARNI shall be released on anticipatory bail on they executing P.R. Bond of Rs. 5,000/- [Rs. Five Thousand.] each with one solvent surety in the like amount, in connection with CR No.3/2015 registered with Police Station, Umri, District – Nanded for the offences punishable under Section.s. 387 and 389 of the Indian Penal Code.
- (iii) With this Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)