

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

CRIMINAL APPLICATION NO. 6981 OF 2015

Vithal S/o Dadarao Bhise,
Age : 40 years, Occu. Press Reporter & Agri.,
R/o. Kolhawadi, Tq. Manwath,
Dist. Parbhani. ... Applicant

VERSUS

The State of Maharashtra ... Respondent

.....
Mr R. N. Dhorde Patil, Sr. Counsel a/w Mr V. R. Dhorde,
Advocate for applicant
Mr S. J. Salgare, APP for respondent/State
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CORAM : **N. W. SAMBRE, J.**
DATE : **5TH JANUARY, 2016.**

PER COURT:

1. By the present application under Section 438 of the Code of Criminal Procedure, the applicant – a journalist by profession, is seeking pre-arrest bail in Crime No. 198 of 2015 registered at Pathri Police Station, Dist. Parbhani for the offences punishable under Sections 384, 506, 507 of the Indian Penal Code.

2. Shri. Dhorde, learned Senior Counsel for the applicant while trying to make out a case for pre-arrest bail would urge that the

applicant, who is a reporter to a leading newspaper, is sought to be implicated in a crime in question. According to him, the incident has occurred on 16th October, 2015 whereas the complaint is lodged on 12th December, 2015, which is almost after a period of one and half month. He would then urge that it is in the background of news items published by him on 7th November, 2015 and 30th November, 2015 which has prompted the complainant to lodge a false complaint against the applicant.

3. Learned APP would urge that the Call Details Report (C.D.R.) in the matter is awaited and matter be heard only on receipt of the same. In addition, he would urge that the statement of the Contractor Gaffar Khan and Sectional Engineer Shri. Devle speaks about demand of money during Diwali season towards illegal gratification. According to him, there is a *prima facie* case against the applicant.

4. Having bestowed my thoughts to the submission made, it is noted that the FIR came to be lodged on 12th December, 2015 whereas newspaper items were published on 7th November, 2015 and 30th November, 2015 i.e. almost after a period of one month. There is

hardly any explanation as to why there is delay in lodging FIR in the matter. Apart from the above, it is claimed that the complainant had received a phone call from applicant on 16th October, 2015. The fact remains that the Contractor and the Sectional Engineer so also the complainant have not reported the matter to the investigating agency forthwith.

5. In view of delay in lodging FIR and same being unexplained, in my opinion, false implication of applicant in crime in question cannot be ruled out particularly when FIR came to be lodged after publication of newspaper items. As such, the applicant, in my opinion, is entitled for pre-arrest bail. Hence, I proceed to pass the following order.

ORDER

- (i) In the event of arrest of applicant Vithal S/o Dadarao Bhise in Crime No. 198 of 2015 registered at Pathri Police Station, Dist. Parbhani for the offence punishable under Sections 384, 506, 507 of the Indian Penal Code, he be released on bail on his furnishing P.R. bond in the sum of Rs. 25,000/- (Twenty Five thousand) with one surety in the like amount.

- (ii) The applicant shall keep himself away from the jurisdiction of the Pathri Police Station till filing of charge-sheet.
- (iii) The applicant shall attend the concerned Police Station everyday from 11th to 16th January, 2016 between 10.00 a.m. and 12.00 noon and thereafter as and when called by the Investigating Officer.

Criminal Application stands allowed in above terms.

[N. W. SAMBRE]
JUDGE

sgp