

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.562 OF 2016
DR.VIJAYSHANKAR RAMMANGAL PANDEY)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Shri Deepak Pandey, Advocate for the Applicant.

Shri S.H.Yadav, APP for the Respondent – State.

Shri N.S.Deshmukh, P.I., Manpada Police Station, present in court.

CORAM : P N. DESHMUKH, J.

DATE : 10th JUNE 2016.

P.C. :

1 Heard the learned counsel for both the sides. This is an application for grant of anticipatory bail in Crime No.I-546/2015 registered with Manpada Police Station, Thane, on 1st October 2015, for the offences punishable under Sections 354B, 341, 395 and 504 of the IPC. According to the applicant he is falsely implicated by the complainant Hemangi. However, he is unable to put forth any substantial reason for the said false

implication and has contended that after lodging of report on 1st October 2015, out of which the present application arose, informant Hemangi had lodged subsequent report against the applicant on 5th October 2015 on the basis of which offence punishable under Section 395 of the IPC came to be registered.

2 Learned APP has opposed the application on the ground that investigation is in progress and other co-accused are yet to be arrested and one golden chain is to be recovered from the applicant.

3 Record reveals that the applicant is protected by anticipatory bail by this court vide its order dated 29th March 2016 with direction to attend the Investigating Officer on every Monday from 4 pm to 5 pm. Admittedly, applicant has complied with the said condition.

4 On perusal of the FIR, it reveals that on 30th September 2015, at about 9 am when informant Hemangi was

proceeding along with her friend Sarla towards Gymkhana Road, at Dombivali (E), applicant who was known to the complainant since they were working together, along with four others, all of a sudden obstructed her and enquired as to where she was proceeding and saying so pulled her *duppata* and manhandled her along with other four persons.

5 Though prosecution has opposed the application for want of investigation to effect arrest of other four accused and for recovery of golden chain, nothing is placed on record as to what efforts are made on this part of the investigation to be carried out, though applicant was directed to attend the Investigating Officer as aforesaid.

 Similarly it is noted that name of applicant is Dr.Vijayshankar Pandey while in the FIR the name mentioned is as Dr.Ramakant Pandey. Learned APP on instructions, however, states that in the subsequent statement of informant said name is corrected. Without going into that aspect at this stage, when the documents filed in support of the application are perused, one of

the reports of Investigating Officer filed before the learned trial court at Kalyan on dated 28th January 2016, reveals that during the course of investigation, it revealed to the Investigating Officer that there is variance in the spot of incident as stated in the FIR and the actual spot shown by the prosecutrix. Similarly, it further states that there is also variance in the statement of the prosecutrix and that of Sarla Gaur, who according to the prosecution is an eye witness to the incident and was in the company of informant at the time of incident.

6 Having considered the facts, though investigation is in progress, application is liable to be allowed, as even otherwise, the age of the informant is 36 years.

7 In the circumstances, following order is passed :

- i) Ad-interim relief granted by this court on 29th March 2016 is confirmed on same terms and conditions as imposed earlier.

(P. N. DESHMUKH, J.)