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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 129 OF 2018

Anil Gulabrao Mane	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Kuldeep Patil i/b Ajit M. Savagave, for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent – State.

CORAM : P. N. DESHMUKH, J.

DATE : MARCH 6, 2018

PC :-

1. Learned Additional Public Prosecutor seeks time to file an affidavit-in-reply.
2. Perusal of record reveals that on 23rd January, 2018 prosecution was granted time to file reply and on that date, Applicant was granted interim protection with a direction to report concerned police station to attend Investigating Officer from 29.1.2018 to 1.2.2018. Learned counsel for Applicant to establish compliance of above condition has placed on record a copy of diary, maintained by

Applicant, duly attested by the concerned police station. Said copy of diary is taken on record and marked "X" for identification.

3. Learned counsel for Applicant submits that Applicant is falsely implicated and from the contents of report itself, said fact is established, as according to Applicant, incident took place on 29th December, 2017 within the jurisdiction of Rahimatpur Police Station. Complainant, Police Naik, attached to Rahimatpur Police Station lodged a report alleging that on that day, Applicant had caused nuisance in the Police Station, where complainant was investigating complaint lodged by one Sachin Ghadge. Admittedly, no report is lodged immediately after the incident. It is lodged 2 days after the incident i.e. on 31.12.2017. This act by itself is sufficient to create doubt, insofar as Applicant's involvement in the crime is concerned.

4. Perusal of report reveals that on 29.12.2017 complainant was investigating complaint of one Sachin Ghadge lodged against Abu Bakar Razak Donge, and therefore, said police officer called Abu Bakar and was inquiring with the complainant, his wife and other family members. At that time, Applicant arrived and said as to how he can take action in the matter of Sachin Ghadge, and thus, belated

report after two days came to be lodged. The reasons mentioned for delay in lodging FIR, particularly when incident is alleged to have taken place in the Police Station itself and when complainant is a Police Naik, create doubt with regard to involvement of Applicant. The doubt arose finds further substantiates from the documents filed in support of application, viz. report lodged by Applicant against Police Officials to senior officer of Rahimatpur Police Station on 9th September, 2010, 6th December, 2017 alleging that complainant – Police Officer attached to said Police Station are indulged in corrupt practice from the transport vehicle owners and thus, by allowing such vehicles to be passed at the S.T. Stand, wherefrom Applicant and his family members are required to pass everyday facing day-to-day problem. From the contents of these complaints, out of which complaint dated 6.12.2017 has been received by the Police wherein specific allegations are made against Police Officer Mr. Ganesh Kangude, who according to complainant Santosh Nale was very much present in the Police Station on the date of incident on 29.12.2017 can be directly co-related, and as such, prima-facie, it is found that lodging of belated report against Applicant is direct outcome of Applicant's

lodging complaint against police officials, as aforesaid.

5. Having considered the facts as aforesaid, interim bail granted to Applicant, is liable to to be confirmed. Anticipatory bail application is accordingly disposed of as allowed.

Sd/-
[P. N. DESHMUKH, J.]

Vinayak Halemath