

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

ANTICIPATORY BAIL APPLICATION NO. 1032 OF 2020

1. Sandip Sopan Kendre	
2. Vilas Chhagan Kendre	... Applicants
Versus	
The State of Maharashtra	... Respondent

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Mr. D. M. Shinde, Advocate h/f Mr. R. K. Ingole, Advocate for the applicants

Mrs. V. N. Patil – Jadhav, APP for respondent – State

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**CORAM : R. G. AVACHAT, J.
(Vacation Court)**

DATED : 12th NOVEMBER, 2020

PER COURT :

1. This is an application for bail under Section 438 of the Code of Criminal Procedure. The applicants claim to have an apprehension of being arrested in connection with Crime No.204 of 2020, registered at Malakoli Police Station, District Nanded, for the offences punishable under Sections 354, 294, 34 of Indian Penal Code.

2. Heard. Perused the First Information Report (FIR) and related papers.

The FIR has been lodged by the victim herself on 08.10.2020. It is alleged in the FIR that on 08.10.2020, at 7.00 in the morning, the victim had been to the field Gat No.177, situated near the village. The applicants and one other came there and questioned her as to why did she dump trash there. They claimed to be the owners of the land. It is further alleged that the trio abused her in very bad words. One of them dragged her close to him with an intention to outrage her modesty. Since the informant raised alarm, one Chandrakant Kendre and some other villagers came.

3. Learned APP would submit that the applicants have committed an offence against a woman. The applicants do not deserve anticipatory bail. She, therefore, urged for rejection of the application.

4. Applicant No.1 is 30 years of age. He is doing private service at Nanded. Applicant No.2 is 18 years of age and he is a student. One of the accused is serving as a Primary Teacher. He produced on record a certificate issued by the Head Master of his school to show that on the day of the incident he was on duty from 9.00 in the morning to 4.00 p.m. and extract of attendance register

has also been filed on record to show his presence in the school. It is informed that the distance between the place of the incident and the work place of the one of the accused is 120 kms. The alleged incident took place at 7.00 in the morning. He reported on duty by 9.00 a.m., i.e. two hours thereafter. Although, it may not be impossible, it is difficult to travel a distance of 120 kms within two hours. There is also on record a copy of the FIR to indicate that present applicant No.1 has lodged a FIR against close relations of the informant herein on 06.10.2020, i.e. two days before the alleged incident took place. The applicants have therefore good reason to contend that false FIR has been lodged at the counterblast to the FIR dated 06.10.2020. Moreover, if we take the allegations in the FIR, it appears that a woman would not like to narrate the words which have been appearing in the FIR.

5. Be that as it may, from the allegations in the FIR, custodial interrogation of the applicants is not required. There is veracity of the allegations in the FIR is seriously in doubt. I am, therefore, inclined to grant the application. Hence, following order :

ORDER

- (i) The application is allowed.

- (ii) In the event of arrest in connection with Crime No.204 of 2020, registered at Malakoli Police Station, District Nanded, for the offences punishable under Sections 354, 294, 34 of Indian Penal Code, the applicants be released on executing P R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) each with surety in the like amount.
- (iii) The applicants shall appear before the investigating officer as and when required.
- (iv) The applicants shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

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