

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.253 OF 2021

- 1) Limbaji Ramrao Kupanwar,
Age 40 years, Occupation Agriculture,
- 2) Satish Ganpatlal Kalal,
Age 45 years, Occupation Agriculture,
- 3) Chandrakant Hanumantrao Chaudhari,
Age 61 years, Occupation Agriculture,
- 4) Dharoji Trimbak Dhabe,
Age 35 years, Occupation Agriculture,

All R/o : Walur Tq. Sailu Dist.Parbhani.

...Applicants

VERSUS

The State of Maharashtra.

...Respondent

.....
Advocate for Applicants : Mr. Joydeep Chatterji
APP for Respondent-State : Mr. S. W. Munde
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CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 01-04-2021.

ORDER :

1. Applicants are apprehending their arrest at the hands of Sailu Police Station, District Parbhani, in connection with Crime No.52 of 2021, for the offences punishable under Section 327, 323, 504, 506 read with 34 of the Indian Penal Code.

2. Heard learned Advocate Mr. Joydeep Chatterji for applicants and learned Additional Public Prosecutor Mr. S. W. Munde for respondent-State. In order to cut short it is stated that, both of them have made submissions in support of their respective contentions.

3. Perusal of the First Information Report which is lodged by one Sanjay Narayanrao Sadegaonkar would show that he is the Sarpanch of Grampanchayat Walur Tq. Sailu. It is stated that monthly meeting of the Grampanchayat started at about 12.30 p.m. on 18-02-2021. The subjects were read out by Gramsevak and, thereafter, present applicants No.1 and 4 started disputing with the Gramsevak and the informant Sarpanch that they should take the subjects given by them for discussion and then they should take subject on Ajantha. The other members Sayyad Jalal and Baban Bodke were on the view that the subject on the Ajantha should be taken. It is then stated that applicant No.1 started abusing Baban Bodke. When Sarpanch informant tried to intervene, at that time all the applicants went towards Sarpanch and started asking that who is he to interfere. He was abused, manhandled and in that process the gold chain weighing two tolas was taken. Threat to kill was given.

He was then separated by other members and the wife of the Sarpanch. It is to be noted that this First Information Report has been lodged at about 21.37 hours on that day. However, perusal of Crime No.50 of 2021, registered with the same police Station, on the same day at 16.06 hours, would show that the present applicant No.1 had lodged offence under Section 323, 504, 506 of Indian Penal Code and under Section 3(1)(r), 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 against said Sanjay Narayanrao Sadegaonkar and Ramrao Shyamrao Bodke. That means, the First Information Report which is against the present applicants appears to be belated. Possibility of afterthought First Information Report cannot be ruled out. There is no reason assigned in the First Information Report itself for belated lodging of the report when it is stated that the incident had taken place at about 12.30 p.m. Though the learned Additional Public Prosecutor has strongly submitted that the gold chain which was taken away is yet to be recovered and, therefore, physical custody is required, taking into consideration the belated lodging of the First Information Report granting attendance and thereby putting the applicants in custody for that limited period with the Investigating Officer, would suffice the purpose of investigation. Hence, following

order.

ORDER

- 1) Application stands allowed.
- 2) The interim protection granted by this Court on 18-03-2021 to the present applicants No.1 to 4 stands confirmed. In other words, in the event of arrest of the applicants, in connection with Crime No.52 of 2021, registered with Sailu Police Station, Sailu Dist.Parbhani, for the offence punishable under Sections 327, 323, 504, 506 read with 34 of the Indian Penal Code, they be released on P.R. and S.B. of Rs.15,000/- each (fifteen thousand).
- 3) They should attend the Sailu Police Station, Sailu Dist. Parbhani on every Monday and Friday between 10 a.m. to 02.00 p.m. till filing of charge-sheet.
- 4) They shall not tamper with the evidence of the prosecution in any manner.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-