

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.484 OF 2020

Pravin s/o Gajanan Mahadure,
Age : 42 years, Occu. Service as
Police Patil, R/o Ghoti, Taluka
Kinwat, District Nanded

APPLICANT

VERSUS

The State of Maharashtra,
through Police Station, Kinwat,
Tq. Kinwat, District Nanded

RESPONDENT

Mr. Shrinivas H. Panchal, Advocate for the applicant
Mr. V.M. Kagne, A.P.P. for the respondent/State

CORAM : MANGESH S. PATIL, J.

DATE : 19.01.2021

PER COURT :

The applicant, who is one of the accused from Crime No.182 of 2020, registered with Kinwat Police Station, District Nanded for the offences punishable under Sections 327, 323, 143, 147, 149, 504, 506, 188 of the Indian Penal Code, is seeking bail in the event of his arrest in connection with the said Crime.

2. It is alleged that the applicant was the Police Patil of the village. Having seen that inspite of a notification promulgating lock-down on account of pandemic, the informant realized that a boring machine had

come to the village and was digging a well. When the informant went to the spot and started questioning the applicant on that count, it is alleged that the applicant and his associates assaulted him and snatched cash and gold ornament from his person. The incident took place on 24.04.2020 in the evening hours and the FIR was lodged on 26.04.2020.

3. The learned Advocate for the applicant submits that the FIR is riddled with falsity. The incident as alleged therein has not taken place. In fact, without there being rhyme or reason, the informant and his associates had obstructed him in discharging his public duty as a Police Patil. The informant also assaulted one Ulhas Rathod dislocating his tooth. Promptly one FIR was lodged by the applicant against the informant and his associates and the offence was registered under Sections 353, 325, 332, etc. of the IPC. Only by way of counterblast, the present FIR has been lodged with false allegations. The informant has a criminal background. The applicant is not likely to flee. He is a public officer. He would cooperate the Investigating Officer and may be granted bail by putting him to certain conditions.

4. The learned A.P.P. opposes the application. He submits that the offence is serious. The ornament and cash are to be recovered. Custodial interrogation of the applicant is, therefore, necessary. At this juncture, no weight should be attached to the sequence in which the FIRs have been lodged and the application may be rejected.

5. I have carefully gone through the papers. It does appear that in respect of an incident which took place on 24.04.2020 in the evening hours around the same time, two different FIRs have been lodged putting forth rival versions by the informant and the applicant. It is apparent that the FIR lodged by the applicant is first in point of time and lodged on the very same day, whereas the FIR by the informant in the matter in hand was lodged on 26.04.2020. Prima facie, no attempt is made in the FIR to explain the delay.

6. There are no allegations about the applicant having misused the interim protection granted to him by the order dated 18.06.2020, which he has been enjoying for last more than seven months.

7. Considering all the aforementioned facts and circumstances, the application deserves to be allowed.

8. The application is allowed. The ad-interim relief granted by the order dated 18.06.2020 shall stand confirmed with the same terms and conditions.

[MANGESH S. PATIL]
JUDGE

