

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 402 OF 2022

Dnyaneshwar Rathod **Versus** State of Maharashtra, thr. PSO., P.S. Asegaon, Washim

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.K. Bhangde, Advocate for the applicant.

Shri A.M.Deshpande, A.P.P. for the non-applicant /State.

CORAM : ANIL S. KILOR, J.

DATED : 07/07/2022.

1. The applicant is seeking pre-arrest bail in Crime No.160 of 2022, registered with Police Station, Asegaon, District Washim, for the offences punishable under Sections 353, 332 and 504 of the Indian Penal Code, 1860.

2. Shri A.M. Bhangde, learned counsel for the applicant submits that the present FIR is the counter blast of the complaint lodged by one Yamunabai Sukhdev Rathod on 25/05/2022, alleging that the complainant in this case had misbehaved with her. He submits that the applicant has been falsely implicated in the alleged offence.

3. Learned counsel for the applicant further submits that, on 16/06/2022, this Court had granted *ad-interim* anticipatory bail and directed the applicant to attend the concerned Police Station as and when his presence is required. Accordingly, it is submitted that

whenever the applicant was called, he attended the concerned police station.

4. Learned counsel for the applicant lastly submits that the custody of the applicant is not necessary. Accordingly, he prays for grant of pre-arrest bail.

5. On the other hand, learned Shri A.M.Deshpande, learned APP opposes the present application. He submits that there are witnesses to the incidents, which clearly show that the involvement of the applicant in the alleged offence. Accordingly, he prays for rejection of the present application.

6. I have perused the Case Diary and the FIR.

7. The incidents is dated 25/05/2022, the time of the incidents is 11.00 to 11.30 a.m., whereas, the complaint came to be lodged on the same date at 21.44 hours.

8. On the other hand, on the same date at 01.34 i.e. 13.34 hours, Yamunabai Sukhdev Rathod lodged a report with the Police, alleging that the complainant in the present matter misbehaved with her. On 26/5/2022, similar complaint by the association was also made against the complainant in the present FIR.

9. The statements recorded by the Investigating Officer during the investigation are of the Panchas who were with the complainant. It appears that the statements

were recorded on 21/05/2022 i.e. after four days of the incidents, which *prima-facie* creates doubt about its veracity.

10. In the above referred backdrop and in view of the fact that the applicant attended the concerned Police Station, I am of the opinion that the custody of the applicant is not necessary. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) Order passed by this Court on 16.06.2022, granting *ad interim* anticipatory bail, is confirmed with modification that the applicant shall attend the concerned Police Station on 11, 12, 13 and 14 – July, 2022 between 10.00 a.m. to 12.00 noon and thereafter as and when his presence is required.

[ANIL S. KILOR, J.]