

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

CRIMINAL APPLICATION (ABA) NO.464 OF 2022

Ram Bapurao Jadhao and another **Versus** State of Maharashtra, thr. PSO PS Mahagaon, District Yavatmal.

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

Court's or Judge's Order

Shri S.V.Sirpurkar, Advocate for the applicants.

Ms M.A.Barbde, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 21/07/2022

1. The applicants are seeking bail in connection with Crime No. 401/2022, registered with Police Station, Mahagaon, District Yavatmal, for the offences punishable under Sections 392, 384, 354, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2. Shri S.V.Sirpurkar, learned counsel for the applicants submits that the applicant No.1 is a News Reporter and the Applicant No.2 is a Member of the Gram Panchayat, in opposition. Whereas, the complainant is the Sarpanch of the Gram Panchayat.

3. It is submitted that the applicants have been falsely implicated in the alleged offence.

4. Shri S.V.Sirpurkar, learned counsel for the applicants points out that there is a Counter-FIR, i.e. Crime No. 400/2022, which was lodged first in time. He,

therefore, submits that the present FIR is the outcome of the same and it was lodged out of political rivalry.

5. He, therefore, submits that considering the nature of allegations, custody of the applicants is not necessary. Accordingly, he prays for grant of pre-arrest bail.

6. On the other hand, Ms M.A.Barabde, learned APP strongly opposed the present application and submits that there are eye-witnesses to the incidents and investigating officer has recorded the statements of witnesses.

7. Thus, she submits that as sufficient incriminating material is available against the applicants, this Court may not grant bail to the applicants.

8. I have perused the Case-diary and the FIR.

9. Considering the statements of the witnesses which were recorded after about five days of the incident, it can be revealed that at the time of incident, at least five to six persons were present. This fact creates doubts about the veracity of the allegations made in the FIR because it is *prima-facie* improbable that in front of five to six persons, the applicants took out the ring from the finger of the complainant forcefully and it was taken away.

10. It appears that the applicant No.2 is the Member of the Gram Panchayat of which the complainant is the Sarpanch and the applicant no.2 is in opposition. At the same time, the applicant No.1 is the News Reporter.

11. Thus, considering the above referred backdrop, possibility of false implication of the applicants cannot be ruled out. Thus, in the circumstances, I am of the opinion that the applicants are entitled for grant of anticipatory bail. Accordingly, I pass the following order:

The criminal application is **allowed**.

The ad-interim anticipatory bail granted by this Court on 29/06/2022, is confirmed with modification that the applicant shall attend the concerned Police Station on 25/07/2022 to 29/07/2022 between 10.00 a.m. to 12.00 noon and thereafter as and when his presence is required.

[ANIL S. KILOR, J.]

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