

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 535 OF 2023 WITH
CRIMINAL APPLICATION NO. 1785 OF 2023

Sonaji @ Kamalkishor s/o Dhananjay Jagtap Applicant

Versus

The State of Maharashtra & another Respondents

Mr. D. J. Choudhary, Advocate for the applicant.
Mr. S. N. Morampalle, APP for the State.
Mr. B. V. Thombre, Advocate for respondent No. 2.

CORAM : R. M. JOSHI, J.

DATE : 5th JULY, 2023.

PER COURT :

1. Learned counsel Mr. Thombre seeks permission to assist learned APP. Having regard to the nature of offence, permission is granted.

2. Applicant apprehends arrest in connection with Crime No. 44/2023 registered with Dharur Police Station, Tq. Dharur, Dist. Beed for the offence punishable under Sections 327, 323, 452, 504, 506, 143, 147, 149 of the Indian Penal Code.

3. It is the contention of the informant that on 26th February, 2023, an incident occurred in which applicant and others abused him and others. It is alleged that the mobile phone of the daughter of the informant was snatched by the applicant. It is stated in the report that informant went to the police station however, Amol Jagtap, Sarpanch of the village, came to the police station and requested him not to register the crime as he would mediate in the dispute between the parties. However, since he did not do anything, offence came to be registered on 6th March, 2023.

4. Learned counsel for the applicant states that there is delay in lodging First Information Report and in view of the same, possibility of false implication of applicant cannot be ruled out. He further submits that owing to the political rivalry and as the applicant was appointed as Rojgar Sevak, there was dispute between the applicant and informant. It is submitted that the liberty of the applicant be protected.

5. Learned APP and learned counsel for the informant oppose the said contention by stating that the delay has been explained in the report. It is also contended that there is specific

allegation against the applicant of snatching mobile phone of the daughter of the informant and for recovery of the same his custody is required. Learned counsel for the informant brought to the notice of the Court that the said Sarpanch had threatened the informant of lodging a complaint under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

6. Though there is statement made in the First Information Report about Amol Jagtap requesting informant not to lodge complaint against the applicant, however, his statement is not recorded during investigation. It does not stand to any reason as to why his statement is not recorded. The only inference which can be drawn from the statement made in the First Information Report about Sarpanch giving assurance of compromise between the parties is just to give reason for not reporting the incident immediately. On the face of it, this is an attempt made by the informant to cover his inaction and delay in lodging First Information Report. Since apparently the information given by the informant lacks genuineness, application deserves to be allowed. Hence, application is allowed in terms of the interim order.

7. Pending application if any, does not survive and stands disposed of.

(R. M. JOSHI)
Judge

dyb