

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 591 OF 2023

Sachin s/o Arjun Jadhav
Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. R. R. Karpe, Advocate for the applicant.
Mr. G. O. Wattamwar, APP for the State.

CORAM : R. M. JOSHI, J.
DATE : 16th JUNE, 2023.

PER COURT :

1. Applicant is apprehending arrest in connection with Crime No. 84/2023 registered with M.I.D.C. Police Station, Tq. & Dist. Ahmednagar for the offences punishable under Sections 341, 323, 327, 504, 506 of the Indian Penal Code.

2. First Information Report came to be lodged on 31st January, 2023 in respect of the alleged incident occurred on 29th January, 2023 at about 6.00 pm. it is alleged by the informant that on that day, applicant and co-accused stopped his vehicle and thereafter present applicant asked to compensate for damage caused to his mobile phone. It is further alleged that thereafter applicant

has taken Rs. 20,000/- which was with the informant and both accused then abused and beat him with fists and kicks.

3. Learned counsel for the applicant states that there is unexplained delay in lodging First Information Report. He further states that in respect of the same incident, First Information Report has been lodged by present applicant on 1st February, 2023. According to him, initially offence punishable under Section 327 of the Indian Penal Code was not applied and the offences already attributed to the applicant are bailable. He drew attention of this Court to the contents of the First Information Report that for want of voluntarily causing hurt for the purpose of extortion, provisions of Section 327 of the Indian Penal Code will not attract this case.

4. Learned APP submitted that apart from the informant, the person who was accompanying informant as well as independent witness have made statement about occurrence of the incident in question. According to him, it is not a fit case for grant of anticipatory bail.

5. Plain reading of the First Information Report indicates that there was no hurt caused to the informant for the purpose of alleged extortion of amount. Thus, there is substance in the contention of learned counsel for the applicant that Section 327 of the Indian Penal Code may not have application to the present case. First Information Report is lodged belatedly without giving any explanation as to what prevented the informant from recording said report immediately. As far as statements of independent witnesses are concerned, none of them states about present applicant removing amount of Rs. 20,000/- from the informant. Having regard to the fact that there is delay in lodging First Information Report, possibility of exaggeration of incident cannot be ruled out. There are no criminal antecedents against the applicant. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb