

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 789 OF 2023

Dadarao s/o Pandurang Sawatkar

Applicant

Versus

The State of Maharashtra

Respondent

Mr. S. B. Ghatol Patil, Advocate for the applicant.

Mr. S. P. Sonpawale, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 16th JUNE, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 081/2023 registered with Hadgaon Police Station, Tq. Hadgaon, Dist. Nanded, for the offences punishable under Sections 353, 352, 427, 504, 506, 189 of the Indian Penal Code.

2. Informant is the conductor employed with Hadga Bus Depot. It is alleged by her that on 19th April, 2023, when they were proceeding from Bhokar to Hadgaon, they came at Lyahari bus stand. It is contended that when bus was about to leave, present applicant came there and raised a question as to why more passengers are not allowed to board the bus. It is alleged that thereafter he caused

damage to the bus. With these allegations, offence came to be registered against the present applicant.

3. Learned counsel for the applicant states that infact different incident had occurred on the spot. According to him, when a lady was boarding the bus, all of a sudden the driver of the bus started the bus due to which the lady was about to fall from the bus. When same was questioned to the driver and conductor, there was commotion in the bus. It is alleged that false offence is registered against the present applicant to save the informant and driver of the bus.

4. Learned APP relying upon the investigating papers submits that the statements of the driver and conductor of the bus are corroborated by statement of another driver employed with MSRTC who was passenger in the said bus.

5. A specific query was made to learned APP to show reason as to why statements of passengers in the bus were not recorded for a period of more than two months from the date of recording of First Information Report. There was no answer to said query. However, it

is stated that one of the witnesses who was passenger in the bus has supported the story of the informant. Pertinently, said witness is employed with MSRTC and therefore, this Court finds no reason to accept his statement at this stage. As per the First Information Report, the bus was fully occupied and therefore, there is no reason as to why statement of independent witnesses are not recorded. In such circumstances, this Court finds substance in the contention of learned counsel for the applicant that in order to save herself and the driver of the bus, present false report may have been filed by the informant against the applicant. In view of this, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb