

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

951 ANTICIPATORY BAIL APPLICATION NO.870 OF 2023

RAJU CHHAGAN RATHOD
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Vishant Prabhakar Rao Kadam
APP for Respondent- State : Mr. V.S. Badakh
Advocate for Assist to PP : Mr. M.L. Wankhede

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CORAM : R. M. JOSHI, J.
DATE : JULY 19, 2023

PER COURT :

. Applicant is apprehending arrest in connection with Crime No.68 of 2023 registered with Pimpalner Police Station, Tal. & Dist. Beed for the offences punishable under Sections 354-A, 354-D and 506 of the Indian Penal Code.

2. Informant is aged about 28 years and she contends that since last many days applicant used to follow her. It is alleged that on 30.04.2023 in the night at around 11:00 p.m. applicant came to the house of informant and outraged her modesty. It is her contention that when she raised shouts, applicant ran away from the spot.

3. Learned counsel for applicant states that in the year 2020 informant had lodged complaint against present applicant for offence punishable under Section 376 of the IPC and while granting bail to present applicant it was observed that there is no case made out for such offence. It is submitted that only in order to falsely implicate the applicant in the crime in question, the present report has been lodged.

4. Learned APP and learned counsel for informant opposed application by stating that statement of informant deserves to be believed. Learned counsel for informant has also relied upon complaint dated 25.05.2023 addressed to the Superintendent of Police, District Beed lodged by the informant.

5. First Information Report is lodged as if present applicant has for the first time tried to follow her. Informant has remained silent about the previous report lodged against him. This fact shows that informant has no regards for truth. Perusal of the observations made in Criminal Bail Application No.881 of 2020 clearly indicates that the complaint lodged against present applicant in the year 2020

did not have substance. In such circumstances, lodging of instant false complaint by the informant against present applicant cannot be ruled out. It is not the case wherein custodial interrogation of applicant is necessary. Hence, the following order:

ORDER

(i) The application is allowed in terms of interim order dated 07.06.2023..

[R. M. JOSHI]
JUDGE

GGP