



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1209 OF 2023

Meher W/o Datta Pathrikar And Another ...Applicants

VERSUS

The State Of Maharashtra And Another ...Respondents

WITH
ANTICIPATORY BAIL APPLICATION NO. 1210 OF 2023

Devesh Datta Pathrikar And Another ...Applicants

VERSUS

The State Of Maharashtra And Another ...Respondents

...

Mr. N. S. Ghanekar, Advocate for the Applicants.

Mr. M. K. Goyanka, Addl. PP, for the Respondent – State.

Mr. S. J. Salunke, Advocate for the informant to assist APP.

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CORAM : R.M. JOSHI, J
DATE : NOVEMBER 29, 2023

COMMON ORDER :

1. Applicants apprehend arrest in connection with with C.R. No. 239 of 2023 registered with Badnapur Police Station, Dist. Jalna for the offences punishable under Sections 307, 143, 147, 149 of the Indian Penal Code.

2. Pandurang Mandgikar, Administrative Officer, Nirmal Krida and Samaj Prabodhan Trust reported to the police on 17.06.2023 about the incident occurred on 15.06.2023. It is alleged in the FIR that on 15.06.2023 at about 11.00 am while he was working in the chamber of the Chairman of the trust, present Applicants and the co-accused came there. It is alleged that apart from issuing threats to the informant, accused persons assaulted him with fist and kick blows. There is also allegation that he was tried to be strangled by two accused with handkerchief. It is alleged against Applicant – Meher that she instigated the co-accused to strangle him.

3. Learned Counsel for the Applicants submits that there are disputes between the parties which are apparent from the FIR itself. It is submitted that CCTV footage of the incident has been provided to the investigating agency and the same indicates that no such incident as alleged in the FIR has ever occurred to attract offence under Section 307 of IPC. According to him, owing to the previous disputes, possibility of false implication is not ruled out.

4. Learned APP and learned Counsel for informant have opposed the application essentially on the ground that injury certificate indicates causing of blunt trauma to the informant. Learned Counsel for informant has apprehended the intervention at the hands of Applicants in the evidence of prosecution.

5. First informant report itself is sufficient to demonstrate that there are dispute between the parties over the appointment and removal of the persons from the trust. Though it is alleged in the report that there is an attempt of strangulating the informant, however, no such incident seems to have occurred as it appears from the transcript of CCTV footage of the incident. There is nothing to indicate that any such strangulation was attempted on informant. Apart from this, as rightly pointed out by the learned Counsel for the Applicants that there is delay of two days in lodging of the report and having regard to the facts of case and nature of alleged injuries caused to the informant such delay is not justified. Lodging of report belatedly creates serious doubt about the genuineness of the allegations made in the FIR. Apart

from this, injury certificate issued by the Rural Hospital does not show that any history of attempted strangulation was given by the informant. This Court, therefore, agrees with the contention of learned Counsel for the Applicants that this could be a case of false implication. There are no criminal antecedents against Applicants in ABA/1209/2023. Though Applicant No. 1 in ABA/1210/2023 has discredit of one conviction against him but having regard to the facts of the case and strong possibility of exaggeration/over implication, it is a fit case to protect his liberty too.

6. In view of above, applications are allowed.
Hence, the order:

O R D E R

- (i) Applications are allowed.
- (ii) In the event of arrest the Applicants in both Applications in connection with C.R. No. 239 of 2023 registered with Badnapur Police Station, Dist. Jalna for the offences punishable under Sections 307, 143, 147, 149 of the Indian Penal Code, they shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) each with one surety in the like amount.
- (iii) They shall attend the concerned police station as and when required.

- (iv) They shall not contact the witnesses directly or indirectly.
- (v) They shall not interfere with the evidence in any manner whatsoever.
- (vi) They are further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI, J.)

Malani