

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1515 OF 2023

Raysingh @ Bhaya Ramsingh Ajnare ..Applicant

Versus

The State Of Maharashtra ..Respondent

Mr. A.V. Bagal, Advocate for the applicant
Mrs. G.L. Deshpande, APP for State.

CORAM: R.M. JOSHI, J
DATE : OCTOBER 31, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 32 of 2023 registered with Raver Police Station, Dist. Jalgaon for the offences punishable under Section 353, 341, 504, 506 r/w 34 of the Indian Penal Code.

2. First informant is a forest guard and was doing duty at around 3.00 am on 31.1.2023. They noticed one pickup van carrying forest produce, hence, they started following said vehicle on motorcycle. At that time, another vehicle came and said vehicle tried to obstruct the informant from following the vehicle carrying forest produce. Further allegation is that the informant was tried to be crushed in between two vehicles. Finally, it is alleged that the applicant has caught hold of collar of informant and slapped him. Offence is registered against him as he has obstructed the informant from discharging his duties.

3. Learned counsel for the applicant submits that the incident has allegedly occurred at 3.00 am in the forest. He states that at the relevant time the applicant apprehended that someone is obstructing other vehicle without any reason, hence, he had no intention to obstruct the public servant from discharging his duty. It is argued that though vehicles are mentioned, their registration numbers are not mentioned in the FIR. He also claimed that since there is delay of five hours in lodging the FIR, possibility of false implication cannot be ruled out.

4. Learned APP opposed the application mainly by referring to the statements of witnesses. One of the witness has identified the applicant to be the person who was driving the other vehicle and slapped the informant. She further submits that due to said obstruction caused by the applicant other vehicle could not be apprehended. Though, it is the contention of the prosecution that only applicant has abused and assaulted the informant, but applicant have also obstructed the informant from discharging his duty.

5. Undisputably, the incident in question has occurred at 3.00 am in the forest. There is reason to believe the contention of the learned counsel for the applicant that on account of lack of light, applicant has misunderstood the chase of vehicle for unwanted reason. He further argued that there is delay of five hours in lodging the FIR

when the police station is at the distance of 15 km only and hence, possibility of false implication cannot be ruled out.

6. Having regard to these facts, prima facie there is substance in the contention of the learned counsel for the applicant that there is delay of five hours in lodging the FIR. There are no criminal antecedent against the applicant. Considering the peculiar facts of the present case, liberty of the applicant deserves to be protected. Hence, the order:

O R D E R

- (i) In the event of arrest of the Applicant in connection with C.R. No. 32 of 2023 registered with Raver Police Station, Dist. Jalgaon for the offences punishable under Section 353, 341, 504, 506 r/w 34 of the Indian Penal Code he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one surety in the like amount.
- (ii) He shall attend the concerned police station twice in fortnight till filing of the charge sheet.
- (iii) He shall not contact the witnesses directly or indirectly.
- (iv) He shall not interfere with the evidence in any manner whatsoever.
- (v) He is further directed to cooperate the investigating agency for further investigation.

[R.M. JOSHI, J.]