



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1884 OF 2023

Mahendrakumar Rangnath Chawre ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. A. N. Nagargoje, Advocate for the Applicant.

Mr. N. B. Patil, APP, for the Respondent – State.

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CORAM : R.M. JOSHI, J

DATE : NOVEMBER 30, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 340 of 2023 registered with Sengaoon Police Station, Dist. Hingoli for the offences punishable under Sections 307, 353, 332, 435 and 34 of the Indian Penal Code and Sections 3 and 4 of the Prevention of Damage to Public Property Act.

2. First informant is the Gramsevak who claims that on 28.09.2023 at around 01.00 pm Applicant along with two unknown persons entered his office. They raised quarrel with him and Applicant assaulted him with knife on his arms and chest. It is further alleged that unknown person poured petrol on the record

as well as on the person of the informant and the said record was burnt.

3. Learned Counsel for the Applicant by relying upon number of documents has argued that there is departmental enquiry being conducted against the informant and the documents which are now said to have been burnt were sought by Enquiry Officer for the said enquiry. It is pointed out that it was the informant who was trying to avoid production of the document before the Enquiry Officer and finally he himself burnt those documents by creating false story. It is further argued that the incident has allegedly occurred on 28.09.2023 whereas report is lodged on 02.10.2023, as such, there is delay in lodging of the FIR, which is more than sufficient to hold that it is a case of false implication.

4. Learned APP opposed the application by referring to the investigation papers and injury certificate. It is his contention that the panchnama recorded by the investigating officer indicates that the documents from the office of the informant are burnt.

5. For committing any crime there has to be some motive for the criminal. Here there is absolutely nothing on record to indicate that as to what motive the Applicant had to burn the official papers in the office of Grampanchayat. The Applicant or unknown person would not get benefited by burning of record. On the other hand, *prima facie* there is material placed on record by the Applicant to indicate that in fact it was the informant who was more interested in destructing the record than anyone else. In this backdrop, the delay caused in the filing of report assumes importance.

6. The incident in question has occurred at around 01.00 pm on 28.09.2023 whereas report is lodged on 02.10.2023. The injuries allegedly caused to the informant are not attributable to the assault with knife as someone who is interested in assaulting informant would not cause abrasions only. Apart from this, there is no explanation of whatsoever for not lodging report immediately. There is unexplained inordinate delay in lodging of the report. Hence, this Court finds substance in the submissions of learned

Counsel for the Applicant that time is taken by the informant in order to concoct a story to hide his misdeeds of burning record and to save himself from the departmental action. This Court, therefore, is of *prima facie* view that apparently FIR is not genuine and it could be possible case of informant himself having burnt the papers as the same were called upon to be produced in enquiry. Applicant has no criminal history and he is not likely to abscond.

7. In view of above, application stands allowed.

Hence, the order:

O R D E R

- (i) In the event of arrest the Applicant in connection with C.R. No. 340 of 2023 registered with Sengon Police Station, Dist. Hingoli for the offences punishable under Sections 307, 353, 332, 435 and 34 of the Indian Penal Code and Sections 3 and 4 of the Prevention of Damage to Public Property Act, 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 as and when required.
- (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.)

Malani