



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 82 OF 2024

Girish Udaysingh Pardeshi
Age 56 years, Occupation Business,
R/o. Raghuwanshi Nagar, Opp. BSNL Office,
Nandurbar, Taluka and District Nandurbar. ... Applicant

Versus

1. The State of Maharashtra
Through Police Station Officer,
Nandurbar City Police Station,
Taluka and District Nandurbar.
2. The Superintendent of Police, Nandurbar,
Taluka and District Nandurbar. ... Respondents

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Mr. Sushil P. Pandit, Advocate for the Applicant.
Mr. N. D. Batule, APP for Respondent Nos. 1 and 2.
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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 16.04.2024
Pronounced on : 18.04.2024

ORDER :

1. Apprehending arrest in crime no. 0817 of 2022 registered with Nandurbar City Police Station for offences punishable under Sections 326, 392, 506 r/w 34 of the Indian Penal Code [IPC] and Section 37(1)(c) and 135 of the Maharashtra Police Act, applicant has preferred instant anticipatory bail application.

2. Inviting attention of the court to the FIR dated 31.12.2022, learned counsel for the applicant submitted that alleged occurrence is apparently of 13.12.2022. However, FIR is lodged on 31.12.2022 and therefore, it is delayed complaint. He next submitted that even going by the FIR, there are allegations about involvement of three unknown persons forcibly taking complainant. Their descriptions are not given. He pointed out that further there are allegations that present applicant used hockey stick for beating complainant. That, on such complaint, crime has been registered. He further submitted that in fact, version of complainant is not believable. He pointed out that in the complaint itself, it is stated that police had reached the spot and they had shifted complainant to hospital. However, no immediate complaint has been lodged either by complainant or even police personnel in spite of complainant being taken to police station first, i.e. before referring him to the hospital. That, moreover complainant, who is a journalist, is found to be lodging false complaints with ulterior motive. That, in view of such allegations and delayed complaint, applicant prays for relief by undertaking that he would co-operate police and is ready to abide all and any conditions imposed by this Court.

3. Learned APP, while opposing the relief, submitted that there is eye witness account. There are direct allegations of assault by means of hockey stick and causing fracture to the ribs. Medical certificate demonstrates the same. Investigation is still in progress. Recovery of hockey stick is yet to be made for want of accused. Resultantly, he prays to refuse the anticipatory bail.

4. After considering the submissions advanced by each side, and on visiting the FIR, it seems that it was recorded on 31.12.2022 at 15.53 hrs. Crime is registered for offences under Sections 326, 392, 506 r/w 34 of IPC and Section 37(1)(e), 135 of the Maharashtra Police Act.

On carefully reading the FIR, it seems that informant Dilip is a journalist. It is his story that on 13.12.2022, he had flashed news about illegal activities of gas refilling and black-marketing. Around 6.45 p.m. same day, he received a call from unknown number making inquiries about giving advertisement. Around 7.00 to 7.30 p.m., a tempo driver and two unknown persons approached him in his office and forcibly took him to Balaji Gas Agency. There, one Girish Pardeshi @ Raghuwanshi i.e. present applicant, questioned him for printing

news against them and creating hurdle in their business, and saying so, complainant was beaten by tempo driver by means of fist blows, whereas present applicant hit him with hockey stick near right cheek, left rib, left hand fingers, right knee and causing injuries. Thereafter he was dumped on the bank of river. According to complainant, he had overheard conversation, on the basis of which, name of the tempo driver was Ravan @ Pintya. Police arrived at the scene and seeing them, those persons left. According to him, police brought him to Nandurbar City Police Station and referred him to Nandurbar Civil Hospital. Thereafter, complainant went to Navjivan Hospital, Nandurbar and from there he went to Kelkar Hospital, Nashik. He further stated that because of being unfit, he did not lodge complaint and that, now having recovered he lodged above report.

5. Therefore, from above FIR it seems that informant is a journalist and he gave some news item in daily newspaper and according to him, on the same day i.e. 13.12.2022, he was picked up from his office to the gas agency, and there he was beaten by fist as well as stick. Role attributed to the present applicant is of use of hockey stick. Apparently, law is set to motion on 31.12.2022 i.e. almost two weeks after the occurrence. As pointed out, complainant was allegedly shifted by police and referred to the hospital, but no

cognizance has been taken by police and no FIR has been lodged on the day of incident itself.

6. Instant anticipatory bail application is filed on 10.01.2024. On request of learned APP, papers were called and the anticipatory bail application is heard today.

7. Perused the papers produced by learned APP, which show that after registration of crime, some seizure is caused from accused No.2 Rama @ Pintya. It seems that statements of Jagdish Choudhari, Ashok Jadhav and Imran Khan are recorded by police, but the same are recorded on 02.01.2023, regarding the occurrence alleged to have taken place on 13.12.2022. It is to be noted that complainant has not stated about said Ashok Jadhav and Imran Khan to be around when he was taken or dumped. Medical papers of Civil Hospital Nandurbar seem to have been gathered, regarding noticing blunt trauma over chest, back, ring finger and ear. Medical certificate issued by Navjivan Hospital is also part of police papers showing only single contusion injury on the left side of chest and it is reported to be grievous one. Treatment papers of Kelkar Hospital, Nashik are not finding place. Efforts are also taken by investigating machinery to gather CDR.

8. Above material shows that occurrence is of 13.12.2022. FIR is apparently on 31.12.2022. One accused is already arrested on 08.01.2023. Till date, present applicant has not been arrested. Now, anticipatory bail application is opposed on the ground of recovery of hockey stick, that too vide say filed in April 2024.

9. Taking above facts and circumstances into consideration, delayed FIR and above discussed submissions and the police papers, further investigation can be carried out by securing presence of the applicant, who can be put to stringent conditions. Hence, following order is passed:

ORDER

I. The application is allowed.

II. In the event of arrest of applicant Girish Udaysingh Pardeshi, in connection with crime no. 0817/2022 dated 31.12.2022 registered with Nandurbar City Police Station, District Nandurbar, for offences punishable under Sections 326, 392, 506 r/w 34 of IPC and Section 37(1)(c) and 135 of the Maharashtra Police Act, he be released on executing personal Bond of Rs.15,000/- with one surety in the like amount.

III. Applicant shall not in any manner try to contact and/or influence prosecution witnesses and shall not tamper prosecution evidence.

IV. Applicant shall attend Nandurbar City Police Station on every Monday, Wednesday and Saturday between 11.00 a.m. to 01.00 p.m. till filing of charge-sheet.

[ABHAY S. WAGHWASE, J.]

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