



**(This order is corrected in view of the order dated 11/10/2024,
passed on a motion for speaking to the minutes)**

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

925 ANTICIPATORY BAIL APPLICATION NO. 138 OF 2024

Babasaheb Baburao Jadhav & anotherApplicants

VERSUS

The State of Maharashtra & anotherRespondents

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Mr. R. P. Patwardhan, Advocate holding for Mr. S. S. Jadhav, Advocate
for the Applicants.

Mr. P. K. Lakhotiya, APP for the State.

Mr. R. R. Imale, Advocate for the informant.

CORAM : R. M. JOSHI, J.

DATE : 8th OCTOBER, 2024.

PER COURT :

1. Applicants apprehend arrest in connection with Crime
No. 0310/2023 registered with Wadhwana Police Station, District
Latur, for the offences punishable under Sections 365, 341, 342, 343
read with Section 34 of the Indian Penal Code.

2. First informant is a lady who lodged report to the police
on 31.12.2023 at around 7.00 pm claiming that her sons aged about
30 and 34 years were abducted in her presence on 28.12.2023. She
reported the said incident after three days of the incident.

3. Learned counsel for the Applicants submits that there is agreement entered into by the sons of the informant regarding supply of labour for sugarcane harvesting. Since the said agreement was breached, the Applicants were insisting repayment of the amount. It is his submission that in order to avoid repayment of amount, a false report has been lodged against the Applicants. He has drawn attention of the Court to the documents on record including photographs which indicate that at the time of alleged incident, the Applicants were not at the spot of the incident.

4. Learned APP opposed the application.

5. Learned counsel for the informant submits that the informant is a lady belonging to tribal community and for the reason that her husband was not at home, immediate report was not lodged. It is his submission that having regard to the serious nature of crime, Applicants are not entitled to bail.

6. It is often alleged that the provisions of the law are abused. This is one of such example wherein on the face of it a false

report seems to have been lodged by the informant. Perusal of the investigation papers indicate that the brother of the informant had flatly denied of having any program at his place on 28.12.2023 and informant and her sons having attended the said program. Apart from this, it is absolutely inconvincible that a lady whose two sons are abducted in front of her makes no report of the same to the for two days. In such circumstances, this Court has a reason to accept the contention of learned counsel for the Applicants that this is a case wherein in order to avoid repayment of money by the sons of the informant, the Applicants are sought to be falsely implicated in this crime. The Applicants are therefore entitled for anticipatory bail. **Hence, this application stands allowed in terms of the interim order dated 24/01/2024.**

7. Investigation is yet to be completed. The Investigating Officer is hereby directed to take appropriate action in accordance with the law against the informant, if it is found that the First Information Report is a false report.

(R. M. JOSHI)
Judge