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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

966 ANTICIPATORY BAIL APPLICATION NO. 367 OF 2024

Namdev Mahadev Gadhave

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Balaji S. Chondhekar

APP for Respondents: Mrs. M.L. Sangit

Advocate to assist the A.P.P. : Mr. S.S. Deshmukh

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CORAM : SHIVKUMAR DIGE, J.

DATED : 20th SEPTEMBER, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No. 32 of 2024 registered with Sengaon Police Station, district Hingoli, for the offences punishable under Sections 143, 147, 149, 323, 324, 379, 325, 506 of the Indian Penal Code and under Section 4 of the Maharashtra Media Persons and Media Institutions (Prevention of Violence and Damage of Loss to Property) Act, 2017.

2. It is the prosecution's case that the informant had called the information under the Right to Information Act of the work done by the applicant under the 15th Finance Commission. But the applicant did not provide the said information to the informant. It is alleged that on 18.12.2023 when the informant had gone to the Panchayat Samiti for getting the information, at that time, the applicant and co-accused

came there and threatened the informant to take back the application given by him. It is alleged that thereafter, the applicant threatened the informant, detained him in one room and called the co-accused. It is alleged that the applicant and co-accused assaulted the informant with fist and kick blows and stones. It is alleged that the applicant and co-accused took one 7 grams gold ring and Rs.1300/- from the informant. The informant was admitted in the hospital hence, he lodged the complaint through E-mail.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The informant is habitual in making the complaints. He has filed seven complaints against various Government authorities. He used to file false complaints to extort the amount. There is delay of around 40 days in lodging the complaint. The applicant is Government servant. He has been falsely implicated in this case. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

4. It is the contention of the learned APP that the applicant alongwith co-accused assaulted the informant with fist and kick blows and stones and threatened him to take back the application filed under the R.T.I Act. The applicant is kingpin of the offence. As the

informant was admitted in the hospital, hence there is delay in lodging the complaint. The informant has suffered grievous injuries due to the said assault. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. The allegations against the applicant are that he alongwith the co-accused assaulted the informant with fist and kick blows and stones and took away gold ring and an amount of Rs.1300/- from the informant. The co-accused have been released on regular bail. There is delay of 40 days in lodging the complaint. Though in the F.I.R. it is mentioned that the applicant was admitted in the hospital but no papers are produced on record to show that the applicant was admitted in the hospital for 40 days. Considering the allegations against the applicant, his custodial interrogation is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) The interim anticipatory bail granted to the applicant vide order dated 07.03.2024 stands confirmed on the same terms and conditions with following modification:-

(a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

6. It is made clear that the observations made in this order are prima facie in nature only for the purpose of deciding this bail application and the trial court shall not get influenced by the same while concluding the trial.

(SHIVKUMAR DIGE, J.)

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