



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 383 OF 2024

Namdeo Chandrakant Raut

... Applicant

VERSUS

The State Of Maharashtra
And Another

... Respondent

.....

Mr. V.R. Dhorde, Advocate for Petitioner

Mr. S.R. Wakle, APP for Respondents – State

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 17th APRIL, 2024

ORDER :

1. Applicant apprehends arrest in connection with Crime No. 0061 of 2024, registered with Karjat Police Station, District-Ahmednagar for offences punishable under sections 353, 354, 427, 323, 504 and 506 of the Indian Penal Code.

2. Informant lodged FIR alleging that since last two years, she is working as Accountant in Karjat Nagar Panchayat, District-Ahmednagar. On 31.01.2024, at about 1.00 p.m., while she was doing work in her office, applicant came there and told her whatever he tells has to be done by her and there is no question of legal or illegal thing. Informant told him that no illegal bill will be sanctioned or released. Applicant then got angry and abused and threatened her and

obstructed the government work and he caught her right hand and outraged her modesty, he tried to pull her from table and snatched her cellphone and broke it, he slapped her and gave her threats of life.

3. Heard learned advocate for applicant and learned APP for respondent State. Perused the investigation papers.

4. It is the case of applicant that there are several complaints about the manner of working of informant and from time to time, Nagar Panchayat has passed resolutions against her. Some of the counselors have complained to higher authorities of informant taking serious objection about the manner of functioning of informant. Since informant was of the impression that applicant is behind the complaints made against her, therefore, she falsely implicated him in the present crime.

5. Perusal of record shows that there are several complaints against the manner of functioning of informant and from time to time, Nagar Panchayat has passed resolutions against her. Counselors have raised serious objection about the manner of functioning of informant. During investigation, statement of one eye witness is recorded, however, he does not support the allegations of catching hand, outraging

modesty of informant and slapping her. He has stated that there was hot exchanges between applicant and informant and applicant took informant's phone from the office table. *Prima facie*, it appears in the FIR that informant has given distorted version of incident and to increase the gravity of offence, alleged that applicant outraged her modesty and slapped her.

6. Applicant is sitting counselor and nothing is to be recovered from him. Therefore, his pre-trial custodial detention is not warranted in the facts of the present case.

7. Application is therefore allowed by confirming interim protection granted to applicant by order dated. 07.03.2024.

8. Till filing of charge-sheet, applicant shall attend the concerned police station as and when called by the Investigation Officer. Applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE