



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

42 ANTICIPATORY BAIL APPLICATION NO. 1274 OF 2024

Bharatram Kisanrao Palve & othersApplicants

VERSUS

The State of Maharashtra & othersRespondents

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Mr. D.R. Markad, Advocate for Applicants.

Mr. M. K. Goyanka, APP for the State.

Ms. Falguni Kulkarni, Advocate for Respondent No. 4.

CORAM : R. M. JOSHI, J.

DATE : 14th OCTOBER, 2024.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 0518/2024 registered with Pathardi Police Station, Dist. Ahmednagar for the offences punishable under Sections 354, 327, 427, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code.

2. First informant has reported about the incident occurred on 14.05.2024 at about 1.00 pm. She claims that she works as Arogya Sewika and was on duty and at that time present Applicants and co-accused came there. They told her that her son-in-law has finished their political career in the village and therefore she was told to advise him. Informant claims that she responded to the same by

explaining that her son-in-law does not listen to her. It is alleged that Applicant Sambhaji took out pistol and pointed out the same towards her head. He also slapped her and threatened her that he will see as to how she works there. There is allegation against Applicant Raosaheb and Bharatram that they committed act outraging her modesty.

3. Learned counsel for the Applicants has drawn attention of the Court to the First Information Report against son-in-law of the informant. According to him, two different incidents had occurred on 14.05.2024 and two Applicants herein have lodged independent report against her son-in-law i.e. Gaurav Garje. It is his submission that the present report is by way of counter blast. According to him, there is delay of 1 day in lodging of the report which creates doubt about its correctness.

4. Learned APP as well as learned counsel for the informant opposed the said contention. Learned APP has drawn attention of the Court to the statements of two witnesses who have seen occurrence of the incident as claimed by the informant. In this

regard, learned counsel for Applicants submits that the witnesses are closely related to the informant.

5. There is no dispute about the fact that various First Information Reports came to be lodged by the parties herein against each other. There are two First Information Reports bearing Crime No. 515/2024 and 516/2024 in respect of two independent incidents occurred on 14.05.2024 involving son-in-law of the informant. Insofar as present report is concerned, the incident has occurred at about 1.00 pm on 14.05.2024 whereas the report is lodged after 24 hours. At this stage, this Court finds substance in the contention of learned counsel for the Applicants that this could be a case of false implication and the First Information Report in question could have been lodged by way of counter blast to the reports lodged by the accused/Applicants. This is not a case wherein any custodial interrogation of the Applicants would be necessary. Having regard to the disputes between the parties and registration of several reports against each other, a case of false implication is not ruled out. Hence, application is allowed in terms of the interim order.

6. Fees of the appointed counsel is quantified at Rs. 10,000/- to be paid by the High Court Legal Services .,Sub-Committee at Aurangabad.

(R. M. JOSHI)
Judge

dyb