

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.169 OF 2024

Rohit Pramod Thakur Applicant
Versus
The State of Maharashtra Respondent

Mr. Ashraf Ali Akhtar Shaikh, Advocate (appeared through VC)
for the Applicant.

Ms. Mahalakshmi Ganapathy, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 22nd JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.873/2023 registered at Pimpri Police Station, Pimpri-Chinchwad on 23.8.2023 under sections 354, 323, 504, 506, 143, 147, 149 read with 34 of IPC and under Sections 37(1), 37(3) & 135 of the Maharashtra Police Act.

2. Heard Mr. Ashraf Ali Akhtar Shaikh, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the Respondent-State.

3. The FIR is lodged by the victim herself. She has stated that she was a Social Worker. On 6.8.2023, the informant and her husband came back to their house at about 10.00 p.m. after attending one birthday party. At about 11.30 p.m., she heard somebody giving abuses in loud voice. She and her husband looked outside. They saw that the accused Abhishek was abusing. He was accompanied by Tushar, Nanya, Navnath, Sonya, Karan, Vaibhav, Rupesh and the present Applicant. Abhishek pelted stone on the informant's two-wheeler. He continued abusing her and threatening her. She started shouting. Her sons came to the spot. Her nephew Harshal questioned the accused. He was assaulted by those persons, including the Applicant. The others pelted stones. When the informant went to save Harshal, the accused Abhishek, Rupesh and the present Applicant tore her gown and outraged her modesty. The people started gathering at the spot. Therefore, the accused ran away. After that the police were called. On this basis, the FIR was lodged. The FIR was lodged on 23.8.2023.

4. Learned counsel for the Applicant submitted that the incident is not true. The informant has lodged a false FIR. She had similarly lodged another FIR vide C.R. No.807/2023 at Chikhali police station, District-Pimpri Chinchwad on similar allegations. Thus, she is in the habit of filing false FIR. She has not immediately approached the police. There is unexplained delay of 15 days in lodging the FIR. The Applicant's custodial interrogation will not serve any purpose in this background.

5. Learned APP, on instructions of the investigating officer, submitted that the investigation has revealed that the accused Nanya, Navnath, Sonya, Karan and Vaibhav were not even present at the spot of incident at the time of incident. The version of the first informant is supported only by her husband and there are no independent eye witnesses.

6. I have considered these submissions. The investigation itself has revealed that most of the accused, named in the FIR, were elsewhere. Therefore there is some doubt created about the version of the first informant.

Moreover, there is delay of more than 15 days in lodging the FIR. Therefore, there is a strong possibility of implication of some of the accused as an afterthought. Therefore, to that extent the Applicant deserves benefit. In this background, the custodial interrogation of the Applicant is not justified. He will have to cooperate with the investigation. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.873/2023 registered at Pimpri Police Station, Pimpri-Chinchwad, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned police station
- (iii) Anticipatory Bail Application stands disposed of accordingly.

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(SARANG V. KOTWAL, J.)