

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2583 OF 2024**

Mangesh Raichand Wayse	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Prashant Hagare a/w. Mr. Krishna Tarde for applicant.

Ms. Megha S. Bajoria, APP for respondent-State.

Mr. Devidas Salve, PSI, Malegaon Police Station, District Pune Rural.

**CORAM : MANISH PITALE, J.
DATE : 24th SEPTEMBER, 2024**

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0200 of 2024 dated 11.08.2024, registered at Malegaon Police Station, District Pune Rural, for offences under Sections 115(2), 119(1), 296(b) and 352 of the Bharatiya Nyaya Sanhita, 2023.

3. The informant has alleged that on the date and time of the incident, when a quarrel took place between the applicant and the informant, both of whom belong to same political party but different groups, the applicant abused and assaulted the informant and also snatched away his gold chain.

4. The learned counsel for the applicant submits that there is a background to the said incident. He has brought to the notice of this Court that the wife of the informant is the *sarpanch* and it is alleged that the informant is exercising power of *sarpanch* instead of his wife and further, when grievance was raised in that regard and also a complaint was lodged to

the competent authority about the loss being caused to the State Ex-chequer, due to the fraudulent means adopted by the informant to obtain contracts, the work order likely to be issued to the informant was cancelled and a process of re-tender was undertaken by *Zilla Parishad*. It is alleged that due to this background of dispute, false grievance has been raised by the informant, which contains exaggerated allegations.

5. The learned APP submitted that the statement of informant leading to registration of FIR is corroborated by at least two more persons, whose statements have been recorded during the course of investigation. They have described the incident in the same manner as is described by informant and therefore, there is ample material against the applicant in the present case.

6. This Court has perused the material on record. The documents filed alongwith the applicant indeed show that bids were invited for awarding a particular contract and subsequently, it appears that fresh bids were again invited for the said contract. It appears that the applicant had indeed lodged a specific complaint against the informant, as regards fraud being committed in the *Zilla Parishad* in the process of awarding of such contract.

7. There is some material to indicate a dispute in the background between the applicant and the informant. The FIR has been registered subsequent to raising of such dispute. It is specifically stated that the applicant is an MSEB contractor and he has no criminal antecedents. The description of the incident shows abuses allegedly hurled by the applicant against the informant and in the process, the informant was assaulted by means of fists and kicks. There is specific allegation about the applicant having snatched away the gold chain of the informant.

8. Considering the background dispute between the parties, this may be a case of exaggeration as regards snatching away of the gold chain. The investigation papers alongwith the CCTV footage, if any, needs to be appreciated before any conclusion can be reached with regard to the applicant.

9. In view of the above, this Court is inclined to pass interim order in favour of the applicant as he undertakes to co-operate with the investigation.

10. Hence, there shall be interim relief in the following terms:

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No.0200 of 2024 dated 11.08.2024, registered at Malegaon Police Station, District Pune Rural, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- and one or two sureties in the like amount to the satisfaction of the trial court.
- (b) The applicant shall appear before the investigating officer on 27.09.2024 between 10:00 a.m. and 12:00 noon and thereafter as and when required by the investigating officer.
- (c) The applicant shall not influence the informant, witness or any person concerned with the case and shall not tamper with the evidence. He shall co-operate with the investigation.

11. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

12. List the application for further consideration on 24.10.2024, to be included in the supplementary list.

(MANISH PITALE, J)