



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

928 ANTICIPATORY BAIL APPLICATION NO. 1055 OF 2023

Amol S/o Rama Gaikwad & others

....Applicants

VERSUS

The State of Maharashtra

.....Respondent

.....

Mr. M. M. Patil, Advocate for Applicants.

Mr. B. A. Shinde, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 8th JANUARY, 2025.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 166/2023 registered with Pundliknagar Police Station, Dist. Aurangabad for the offences punishable under Sections 354, 324, 327, 323, 504 read with Section 34 of Indian Penal Code.

2. First Informant is a lady who has alleged that on 12.05.2023 ar around 2.30 pm, her modesty was outraged by Applicant No. 1. There is also allegation that all accused persons assaulted her as well as her cousin brother. There is further allegation that gold chain from her neck was snatched.

3. Learned counsel for Applicants submits that this report is lodged by way of counter blast to the report lodged by Ashok on 13.05.2023 at about 1.00 pm with Pundlik Nagar police station. It is his submission that there is delay of more than 24 hours in lodging of the report by the informant and from the same, it can be inferred that this is nothing but an attempt to falsely implicate Applicants in this crime. It is his further submission that except for these offences, there is no other criminal offence recorded against the Applicants.

4. Learned APP opposed the application by pointing out injury certificates of informant as well as two witnesses. It is his submission that from the statements of witnesses, it can be seen that the incident in question had occurred.

5. Perusal of the First Information Report indicates that the said incident had allegedly occurred on 12.05.2023 at 2.30 pm. There is no explanation of whatsoever nature about not lodging of the report for 24 hours. It cannot be a coincident that only after report is lodged by one of the Applicants herein, report came to be lodged by the informant. This Court, therefore, finds prima faice substance in the contention of learned counsel for the Applicants that report is

lodged to falsely implicate Applicants in the crime so also allegations are made about snatching of gold chain. Applicants have no criminal history. Once there is prima facie doubt about correctness of the First Information Report, liberty of the Applicants deserves to be protected.

6. Hence, Application is allowed. Applicants are directed to appear before the Investigating Officer on receipt of written notice. They are directed to cooperate in the investigation. For the purpose of recovery, if any, they be treated into custody of police.

(R. M. JOSHI)
Judge

dwb