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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

932 ANTICIPATORY BAIL APPLICATION NO. 1706 OF 2024

Yogesh Mohan PawarApplicant

VERSUS

The State of Maharashtra & anotherRespondents

.....

WITH
936 ANTICIPATORY BAIL APPLICATION NO. 1728 OF 2024

Bharat Madhav MoreApplicant

VERSUS

The State of MaharashtraRespondent

.....

Mr. M. R. Malpani, Advocate holding for Mr. A. M. Salok, Advocate for the applicant.

Mr. S. B. Jadhav, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 5th FEBRUARY, 2025.

PER COURT :

1. Applicants in both the applications apprehend arrest in connection with Crime No. 452/2024 registered with Amalner Police Station, Tq. Amalner, Dist. Jalgaon, for the offences punishable under Sections 74, 296, 351(2), 352, 3(5) of Bhartiya Nyaya Sanhita, 2023.

2. First informant is a lady, a retired principal of the school. It is stated in the First Information Report that one of the applicants had lodged complaint against her in the Court challenging her handicap certificate. She claims that on 18.09.2024 she was in the Court premises where the present applicants have outraged her modesty. The specific incident occurred is narrated in the First Information Report.

3. Learned counsel for applicants submits that the applicants have no criminal history behind them. It is claimed that admittedly there are disputes between the parties and owing to the same, possibility of false implication is not ruled out. He further submits that this is not a case wherein custodial interrogation of the applicants is necessary.

4. Learned APP opposed the application by relying upon the investigation papers. According to him, there is witness who has seen occurrence of the incident in question. He has also drawn attention of the Court to three other witnesses who were present at the spot of the incident.

5. There is no dispute about the fact that one of the applicants has lodged complaint against the informant, on the basis of which criminal proceedings are initiated against her. Similarly, it is seen from the First Information Report itself that one of the applicants had lodged complaint against genuineness of the certificate of being handicap issued in her favour. Thus, there are disputes between the parties. The possibility of false implication in such circumstances is never ruled out. In the light of these facts, if investigation papers are perused, the same indicates that the sole witness is acquaintance of the informant. It is difficult to accept that the incident in question has occurred in the Court premises at around 1.00 pm and that except for the acquaintance of the informant, no one else has witnessed the same. Thus, possibility of false implication exists. This is not a case wherein any recovery is to be done from the applicants. Hence, both the applications are allowed in terms of the interim order.

(R. M. JOSHI)
Judge