IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1551 OF 2026

Vikaram Shahadeo Wanjare
VERSUS
The State Of Maharashtra

Mr. M. P. Gandlae, Advocate for applicant
Mr. S. B. Narwade, APP for respondent-State

CORAM : R. M. JOSHI, J.
DATE : 19th NOVEMBER, 2026

PER COURT :-

1. Applicant seeks pre-arrest bail in connection with Crime No. 0071 of 2026 registered with Peth-Beed Police Station, Dist. Beed, for the offences punishable under Sections 109(1), 189(2), 189(4), 190, 191(2), 191(3), 119(1), 119(2), 118(1), 115(2), 352, 351(2) of the Bharatiya Nyaya Sanhita.

2. First Information Report lodged on 04.03.2026 indicates that an incident had occurred on 03.03.2026 at about 09:30 PM in which informant was assaulted by the co-accused and two to three unknown persons. Admittedly, applicant has not been named in the First Information Report. During the course of investigation, it was found that applicant has also caused assault on the informant in the said incident.

3. Learned Counsel for applicant submits that here, in this case, role of Investigating Officer is dubious and that he has attempted to falsely implicate present applicant in the crime. He makes a statement to the effect that the cousin brother of the applicant was detained illegally by the Investigating Officer for the period over 22 hours. He makes a statement that he would file affidavit of the concerned person. On merit, it is his submission that in the First Information Report, there is no name of the applicant to be assailant. Apart from this, it is his contention that there is delay in recording supplementary statement of the informant which came to be recorded on 24.05.2026. It is his further grievance that after filing of the charge sheet, statement of purported eye witness was recorded in the month of August, 2026. This shows false implication of the applicant in the crime.

4. Learned APP, at the outset, opposed grant of any protection to the applicant by referring to the order of proclamation passed against applicant. He placed reliance on the judgment of Hon'ble Supreme Court in case of ***Lavesh Vs. State (NCT of Delhi)*** (2012) 8 SCC 730 wherein according to him, it is held that where there is proclamation issued against person, he is not entitled for pre-arrest bail. On merits, it is his submission that there is statement of eye witness indicating over act on the part of the applicant in the said assault which according to him is

supported by the injury certificate on record.

5. Perusal of the judgment of the Hon'ble Supreme Court indicates that ordinarily no anticipatory bail can be granted to a person against whom proclamation is issued. However, in appropriate cases, there is no bar for the Court to pass any such order more particularly, when it is found that this could be a case of false implication. The statement made by the learned Counsel for applicant is accepted. The affidavit of concerned be made part of record within a period of two weeks.

6. *Prima facie*, perusal of the record indicates that in the First Information Report there is specific mention against named accused person of causing of the assault. Allegation against unknown person is causing assault with fist and kick blows. Admittedly, applicant is the one who was not named therein. In the light of these facts, supplementary statement of the informant came to be recorded on 24.05.2026 in respect of the incident of 04.03.2026. Thus, there is doubt created with regard to the said statement and its corrections. Moreover eye witness who claims to have seen incident his statement is recorded in August, 2026. In the backdrop of the allegations against Investigating officer, these facts are sufficient to *prima facie* held that this could be a case of false implication of the applicant. Having regard to these peculiar facts,

even though proclamation is issued against applicant, this Court finds it fit case to protect liberty of the applicant. Hence, the following order :-

ORDER

(i) Application is allowed.

(ii) In the event of arrest of applicant in connection with Crime No. 0071 of 2026 registered with Peth-Beed Police Station, Dist. Beed, for the offences punishable under Sections 109(1), 189(2), 189(4), 190, 191(2), 191(3), 119(1), 119(2), 118(1), 115(2), 352, 351(2) of the Bharatiya Nyaya Sanhita, he shall be released on bail on furnishing PR Bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount.

(iii) As undertaken, applicant to file affidavit of concerned person within a period of two weeks.

(iv) He shall attend the concerned police station as and when called by the Investigating Officer.

(v) He shall not contact the witnesses directly or indirectly.

(vi) He shall not interfere with the evidence in any manner whatsoever.

(vii) He is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI, J.)

B. S. Joshi