



A.B.A. No. 29/2024
Rajendra X State
MHBU11-000085-2024

ORDER BELOW EXH. 01

1. This is an application filed by applicant/accused Rajendra Ambadas Parkhede, for an anticipatory bail under Section 438 of the Code of Criminal Procedure in Crime No. 478/2023 registered with Nandura Police Station for the offence punishable under Section 143, 323, 324, 327, 504 and 506 of the Indian Penal Code, 1860.
2. Investigation Officer filed his say at Exh. 7 through learned A.P.P. and resisted the application.
3. Heard Ld. Advocate Mr. G.E. Nimkarde for applicant/accused, Ld. A.P.P. Mr. V.M. Bapat for prosecution.
4. Learned Advocate for applicant submits that, applicant is not committed any offence. Applicant has no concern with alleged offence. Applicant is falsely implicated in this offence due the previous dispute and due to good relations with mother and brother of informant. He further submits that, informant has filed civil suit for partition against other co-accused alongwith other relatives. The said civil suit is

pending and the interim application for interim relief filed by informant is rejected. Therefore, to pressurize informant has filed false case against co-accused. He also falsely implicated name of present applicant, so that, he shall not support or give statement in favour of co-accused.

5. He further submits that, considering the relations of accused Nos. 1 and 2 with informant, no person can imagine that, a mother and brother will act against informant in such a manner as described in F.I.R.. All the allegation of snatching amount and gold chain are also false. He further submits that, the falsity of story can be gathered from the fact that, informant has not stated any particular time of alleged incident. The applicant has no criminal antecedents or criminal background. He further submits that, applicant is permanent resident of given address. The delay in recording F.I.R. itself suggest that, informant falsely implicated present applicant in this offence. He further submits that, co-accused also granted anticipatory bail. He further submits that, if anticipatory bail is granted applicant is ready to abide

the conditions. He prayed for anticipatory bail.

6. Ld. A.P.P. submits that, necessary order may be passed as main accused are already granted anticipatory bail.
7. Perused the application and documents attached with application. Admittedly, there is a long civil dispute between informant and co-accused and various cases filed against each other. It is also admitted that, informant has filed civil suit and temporary injunction is rejected. It is also admitted fact that, informant and co-accused Nos. 1 and 2 are near relatives. After perusal of xerox copy of Medical Certificate, it appears that, all the alleged injuries sustained by informant are simple in nature. Though it is stated by informant that, he is having video footage of said incident, inspite of demand by the Investigating Officer, till today he has not supply said video footage to Investigating Officer. Further, the invoice of gold chain in case paper is not in the name of present informant and appears to be in the name of third party. No statement of informant is recorded to explain why said invoice is in the name of third

person. Further, there is no statement of informant is on record as to why he went with cash to do work in field. Considering the near relations of informant with alleged main accused Nos. 1 and 2, the allegations of snatching gold chain and cash, prima facie appears to be doubtful. Except the allegations of Section 395 and 327 of I.P.C. all offences are bailable.

8. In the background of civil dispute and various prosecution against each other, probability of false implication can not be ruled out. Prima facie custodial interrogation of present applicant/accused is not necessary for the purpose of investigation. If applicant is arrested he may suffer irreparable loss of his reputation.
9. Applicant is also entitled for anticipatory bail on the ground of parity. The fear of prosecution regarding tampering of evidence can be taken care by imposing certain conditions. Hence, I am of the view that, applicant is entitled for anticipatory bail, in result, I proceed to pass following order :-

ORDER

1. The application Exh. 1 is allowed.
2. In the event of arrest of applicant Rajendra Ambadas Parkhede, by Nandura Police Station in Crime No. 478/2023 registered with Nandura Police Station for the offence punishable under Section 143, 323, 324, 327, 504 and 506 of the Indian Penal Code, 1860, be released on bail on his executing P.R. bond of Rs. 30,000/- (In words Rupees Thirty Thousand only) with surety in the like amount.
3. The applicant/accused shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any Police Officer and not to pressurize any prosecution witness.
4. The applicant is directed to attend concerned Police Station on every Saturday at 11.00 a.m to 1.00 p.m. and co-operate with investigation till next 60 days or till filing of charge-sheet whichever is earlier.

5. The applicant shall not leave jurisdiction of India without prior permission of court.
6. Inform concerned police station accordingly.

Malkapur.
Date – 06/02/2024.

Sd/-
(Prakash R. Kadam)
Additional Sessions Judge,
Malkapur.

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ORDER ON EXH. 1

CERTIFICATE

I certify that this order P.D.F. uploaded is a true
and correct copy of original signed order.

Name of Court : Additional Sessions Judge, Malkapur.

Name of clerk. : S.V. Tayade.