

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3254 OF 2015**[Pandurang s/o Rama Chavan and another Vs The State of Maharashtra]**

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri R.J.Nirmal, advocate for applicants
Smt. Pratibha Bharad, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.**DATED : 10th July, 2015****PER COURT :-**

1] Father and son are claiming anticipatory bail, since they apprehend their arrest, in connection with Crime No. 61 of 2015, for the offences punishable under Sections 354, 354(A)(1), 452, 323 r/w 34 of the Indian Penal Code, registered at Mantha Police Station, District Jalna.

2] I have heard Shri R.J.Nirmal, learned counsel for applicants and Smt. Pratibha Bharad, learned Additional Public Prosecutor for the respondent/State.

3] according to the first information report, it is clear that the agricultural field of the present applicant and the first informant/prosecutrix is adjacent to each other. According to the first information report, on 11.6.2015 at 10 O' clock when the prosecutrix was present along in her house, that time applicant no.1 Pandurang entered into her house and he gave two slaps to the first informant and tried to outrage her

modesty. That time, she raised hue and cry. Hearing hue and cry, her husband Pralhad and one Indal Chavan came to her house and thereafter applicant no.2 Santosh came inside the house and he also tried to outrage the modesty of the first informant.

4] Thus, from the first information report, it is crystal clear that after the entry of husband of the first informant and Indal Chavan, applicant no.2 Santosh came inside the house and tried to outrage the modesty of the first informant.

Statement of Indal Chavan is recorded. Perusal of the said statement at least prima facie shows that the prosecutrix is not stating plain facts, since Indal Chavan has not stated in his statement that after he took entry in the house along with her husband, thereafter applicant no.2 entered into the house of the prosecutrix and tried to outrage her modesty.

5] Looking to such affair in the prosecution case and looking to the fact that the injuries as claimed by the prosecution are simple in nature, custodial presence of the applicants is not at all warranted. Hence, application is required to be allowed.

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicants No.1-Pandurang s/o Rama Chavan and No.2-Santosh s/o Pandurang Chavan, in the event of their arrest, in connection with Crime No. 61 of 2015, for the offences punishable under Sections 354, 354(A)(1), 452, 323 r/w 34 of the Indian Penal Code, registered at Mantha Police Station, District Jalna, be released on anticipatory bail on they each

executing P.R. bond of Rs.5,000/- with one solvent surety in the like amount by each of them.

(iii) Applicants No.1-Pandurng and No.2-Santosh shall not tamper with the prosecution case.

(iv) Application is disposed of.

(V.M.DESHPANDE, J.)

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