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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.4723 OF 2015**

Kishan @ Imran s/o Dashrath Dhongde ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr Zila-UI-Mustafa, Advocate for applicant;  
Mr S.N. Morampalle, A.P.P. for respondent

**CORAM : N.W. SAMBRE, J.**

**DATE : 19<sup>th</sup> October, 2015**

**ORAL ORDER :**

By the present application, the applicant seeks pre-arrest bail, in connection with C.R. No. 68 of 2015, registered with police station Bhagyanagar, Nanded, Tq. & Dist. Nanded, for offences punishable under sections 326, 354-A, 354-B, 143, 147, 148 and 149 of the Indian Penal Code.

2. The incident is alleged to have taken place on 19<sup>th</sup> April, 2015, for which offence came to be registered on 29<sup>th</sup> April, 2015.

3. Perused the contents of the first information report. There appears to be already existing civil dispute between the parties, which is pending in the Court of Civil Judge Junior Division, Nanded, being Regular Civil Suit No.150 of 2014, instituted by the complainant herein against the mother-in-law of the present applicant. It is informed at bar, that since the complainant did not get any relief in the said civil suit, she has initiated the present false complaint. While justifying the grant of bail in the present case, my attention is invited to the order dated 2<sup>nd</sup> April, 2015, passed by

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Additional Sessions Judge-1, Nanded, in Misc. Criminal Application No.219 of 2014, whereby pre-arrest bail application of the mother-in-law of the complainant was rejected. This Court was then taken to the order dated 10<sup>th</sup> April, 2015, passed by Additional Sessions Judge, Nanded, whereby the present applicant was granted pre-arrest bail in C.R. No.47 of 2015, for offences punishable under sections 454, 457 and 380 read with sec. 34 of the Indian Penal Code.

4. According to the learned Counsel appearing on behalf of the present applicant, after the applicant herein was granted pre-arrest bail on 10<sup>th</sup> April, 2015, the complainant immediately, after a period of nine days has chosen to file a complaint against him, which culminated in registration of C.R. No.68 of 2015. He would then urge that the allegations against the applicant are similar to that of already made in the earlier complaint.

5. Learned Counsel would urge that when according to the complainant at the time of incident, the applicant herein was accompanied with Shobha, his mother, Dashrath his father and sisters Varsha and Meera, according to him, it would be really difficult to accept that in the presence of family members of the applicant, the applicant would outrage modesty of the complainant and *prima facie* reading of the contents of the first information report would depict that all the family members of the applicant are impleaded falsely in the crime in question.

6. While opposing the application, learned Addl. Public Prosecutor has invited my attention to the investigation papers, so as to submit that the complainant has suffered grievous injury as is apparent from the medical papers. According to him, the nature of allegation in the complaint shows the seriousness of the offence, with which the applicant is booked. According to him, custodial interrogation of the applicant is necessary, as the material that was stolen, is required to be recovered from the applicant.

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7. Having bestowed my anxious thought over the rival submissions, it is not in dispute that the parties hereto are subjected to a civil suit, as referred above. There also appears existence of a previous criminal litigation/dispute between the parties hereto. Apart therefrom, the delayed registration of the crime depicts that the involvement of the applicant in the crime in question raises a serious doubt.

8. In view of above referred background, perusal of the first information report reflects that the only accusations against the applicant are as regards outraging of modesty, for which, in my opinion, his custodial interrogation is hardly necessary, particularly when all other accused are already ordered to be released on bail.

9. In view of above, in my opinion, the applicant deserves to be released on pre-arrest bail. I, therefore, pass following order :-

In the event of arrest of the applicant, in connection with C.R. No. 68 of 2015, registered with police station Bhagyanagar, Nanded, Tq. & Dist. Nanded, for offences punishable under sections 326, 354-A, 354-B, 143, 147, 148 and 149 of the Indian Penal Code, he be released on interim bail, on furnishing P.R. Bond of Rs.10,000/- with one surety in the like amount.

The applicant shall attend the concerned police station initially for three days, between 10.00 a.m. and 11.00 a.m. and thereafter as and when called by the Investigating Officer.

Criminal Application stands allowed in above terms.

**(N.W. SAMBRE, J.)**

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