

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.928 OF 2015

1.Balu Popat Gaikwad
2.Kishor Popat Gaikwad

...Applicants

V/s.

The State of Maharashtra

...Respondents.

Mr.Ritesh Thobde for the Applicant.

Mr. Arfan Sait APP for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATED : 27th AUGUST, 2015.

P.C.

1. Heard the learned counsel for the applicants and the learned APP for the State.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No.210/2015 registered with the Mohol Police Station for the offence punishable under sections 452, 324, 323, 504, 506, 354(B), 327 r/w.34 of the IPC.

3. According to the complainant Madhuri Bailbhinghe the present applicants came to her house on 5/6/2015 at about 8.15 p.m. It is alleged that applicant No.1 assaulted her with a wooden stick on her head and applicant No.2 gave her fist and kick blows.

4. Learned counsel for the applicants submitted that as a counter-blast to the case registered by the applicant's sister-in-law

being CR No.192/15 alleging that the complainant's son had committed rape on her, the present complaint has been lodged against the applicants. The learned counsel further submitted that initially in the FIR the offences alleged were under sections 452, 324, 323, 504 and 506 of the IPC, however subsequently sections 354 and 327 of the IPC have been added after recording the complainant's supplementary statement on 6/6/2015.

5. The learned APP for the State relies on the supplementary statement and the injury certificate of the complainant to show that the applicants had committed the alleged offences.

6. Perused the injury certificate and the supplementary statement of the complainant. It is pertinent to note that in the FIR there are no allegations of section 354 made against the applicants. From the injury certificate, it appears that the complainant has indeed sustained injuries. However, the injuries are simple in nature. There is a case lodged as against the complainant's son, by the applicant's sister-in-law alleging an offence u/s.376 of the IPC. Considering the peculiar facts of the case, the applicants deserve to be granted anticipatory bail on the following terms and conditions:

ORDER

- (i) In the event of arrest, the applicants shall be enlarged on bail on furnishing P. R. Bond in the sum of Rs.15,000/- each with one or two sureties in the like amount.
- (ii) The applicants shall attend the Mohol Police Station on every Saturday between 10.00 a.m. and 12.00 noon till filing of the chargesheet.

(iii) The applicants shall not tamper or attempt to influence the complainant or any persons concerned with the case.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)