

nsc.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.175 OF 2015

Sachinchandra Sabhapati Shukla and Anr. ... Applicants

V/s.

The State of Maharashtra and Anr. ... Respondents

Mr.M.K.Kocharekar i/b Mr.Prakash V. Vare, for the Applicants.

Ms.P.P.Shinde, APP for the Respondent – State.

Mr.R.D.Kadam, Navghar Polcie Station.

CORAM : REVATI MOHITE DERE, J.

DATED : 25th MARCH, 2015.

P.C.

1. Heard learned counsel for the Applicants and learned APP for the Respondent - State.

2. By this Application, the Applicants seeks pre-arrest bail, in connection with C.R. No. I-08 of 2015 registered with the Navghar Police Station, for the alleged offences punishable under Sections 354, 323, 504, 34 of the Indian Penal Code.

3. The incident in question has taken place on 6th January, 2015 at about 11.30 a.m. and FIR had been lodged on 7th January, 2015. The

Accused No.2 is the brother-in-law of Accused No.1. According to the complainant, there is a dispute between her husband and applicant no.1 who is her brother-in-law, with regard to a property situated at Uttar Pradesh. She has alleged that on 6th January, 2015, after completing her household work, when she had gone to her mother's place, at Sunder Apartment at Bhayander at about 12.45 p.m., the applicant no.1 came there and called out to her and hence she went near the window. It is alleged that applicant no.1 disclosed to her that he wanted to speak to her with regard to the village property and asked her to come down. The complainant is alleged to have gone down. It is alleged that at that time, the applicant no.2 was also present there. According to the complainant, both the applicants abused her; and thereafter the applicant no.1 slapped her and when she resisted the applicant no.2 held her hands and applicant no.1 outraged her modesty. It is alleged that thereafter the mother of the complainant came down along with other neighbours and pushed the applicants.

4. Learned Counsel for the Applicants contended that a false case has been lodged as against the applicants, as there were strained relations between the complainant and the applicants. He submitted that infact,

both the applicants were not present at the time of the alleged incident. He submitted that at the relevant time, the applicant no.1 was at the Goregaon Factory Office, where he is working i.e. Shri Ravi Textiles and applicant no.2 was at Santacruz, where the applicant no.2 is working.

5. Learned APP was directed to verify the plea taken by the applicants. Learned APP states on the instructions of the Investigating Officer, who is present in Court, that they have verified with the applicant no.1's employer - Shri Ravi Textiles and have verified from the CCTV footage and thumb impression that the applicant no.1 was present at the Goregaon Factory at the relevant time when the alleged incident is stated to have taken place. The statements of the colleagues of the applicant no.1 in the factory have also been recorded by the Investigating Officer. As far as applicant no.2 is concerned, the CDR location of the applicant no.2 shows, that at the relevant time, the applicant no.2 was at Santacruz.

6. Perused the papers of investigation. Admittedly, there is a dispute between the complainant and the applicant no.1, over a property situated at Uttar Pradesh. Although the complainant has alleged that the incident had taken place at about 12.45 p.m., on 6th January, 2015, there is

material prima-facie, to show that the applicants were not present at the spot where the alleged incident took place. The statements of some of the witnesses, the CCTV footage and thumb impression, collected by the investigating officer from the office of the applicant no.1's factory i.e. Shri Ravi Textiles, shows that the applicant no.1 was present in his factory at the relevant time. Similarly, applicant no's 2 CDR records also reveals that he was present at Santacruz. Applicant no.2 is the brother-in-law of applicant no.1 and the whole incident is alleged to have taken place because of applicant no.1's dispute with the complainant and her husband. Prima-facie, considering the material on record, the applicants deserve to be granted pre-arrest bail on the following terms and conditions:-

ORDER

- i) In the event of arrest, the Applicants 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 not tamper or attempt to influence the complainant or any persons concerned with the case;
- iii) The Applicants shall co-operate with the Investigating

Agency.

7. The Application is allowed and disposed of in above terms.
8. It is made clear, that the observations made herein, are prima-facie, for the purpose of deciding this application.
9. Parties to act upon the authenticated copy of this order.

(REVATI MOHITE DERE, J.)