

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 272 OF 2015

Dattatray Bhikoba Kate

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Shailesh Chavan for Applicant

Mr. S. S. Pednekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : FEBRUARY 26, 2015

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending his arrest in crime no. 39 of 2015 registered at Baramati Police Station for offences punishable under sections 143, 147, 148, 149, 354 (A), 325, 326, 324, 323, 504, 506 of Indian Penal Code.

2) It is the case of prosecution that on 05/02/2015, Yogita Dalvi lodged a report at police station alleging therein that on 04/02/2015, at about 11.30 am, when she was watering the trees in the compound of her bungalow, her husband was alone at home. A four wheeler stopped in front of the bungalow.

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Present applicant along with other accused alighted from the car. They were armed with deadly weapons. They first threatened the complainant that she shall ask her husband and mother-in-law to withdraw the civil suit filed by them. She was threatened of dire consequences by Sanjay Kate. She had asked them to speak to her husband and mother-in-law. At that juncture, Sanjay Kate is alleged to have attempted to outrage her modesty. Upon hearing of her cries, other family members assembled and at that juncture, they were all assaulted by the present applicants and others. On the basis of her report, crime no. 39 of 2015 was registered at the police station. It is pertinent to note that on 04/02/2015, Nalin Ratnashivraj Kate had lodged a report about the same incident at the same police station alleging therein that family members of Kate had been assaulted by the family members of Dalvi. On the basis of the said statement crime no. 34 of 2015 was registered at the same police station.

3) Learned counsel for the applicants submits that registration of crime no. 39 of 2015 is only a counter blast to registration of crime no. 34 of 2015. It is further submitted that since 2010, there are civil suits pending between the

parties. Complainant in the present case was not protected by any interim orders in the civil suit and that was the bone of contention between both the families. It is apparent on the face of record that incident in question has occurred due to civil disputes.

4) Perused the injury certificates. All the injured witnesses in crime no. 39 of 2015 have sustained simple injuries, except Alka who has sustained fracture injury at the hands of one of the accused who has been enlarged on bail under section 437 of Code of Criminal Procedure, 1973. In the facts and circumstances of the case, applicants deserve grant of pre-arrest bail upon imposing certain conditions. It is made clear that observations made herein above are prima facie in nature and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.

- (iii) Applicant shall not reside at Village Katewadi, Taluka Baramati for a period of 4 weeks from 01/03/2015.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)