

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.841 OF 2015
WITH
ANTICIPATORY BAIL APPLICATION NO.847 OF 2015

Ananda Ramchandra Chavan	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Rahul Kadam, for the Applicant.
Mrs. R.V. Newton, APP for the State in ABA.No. 841 of 2015.
Ms. Veera Shinde, APP for the State in ABA.No. 847 of 2015.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JUNE 23, 2015**

P.C.:

. The two bail applications are filed for pre arrest bail by the applicant/accused who is a practicing advocate at Kolhapur. The complainant in both the criminal cases is one and the same and she is a medical practitioner.

2. The first First Information Report is registered against the applicant/accused on 5th April, 2015 at Rajarampuri police station, Kolhapur at C.R. No. 80 OF 2015 for the offences punishable under Sections 341, 354, 504, 506 and 507 of the Indian Penal Code. The second

First Information Report is registered against the applicant/accused on 3rd June, 2015 at C.R. No. 116 of 2015 at Rajarampuri police station, Kolhapur for the offences punishable under Sections 354, 341, 323 and 504 of the Indian Penal Code.

3. It is the case of the prosecution that the applicant/accused is a practicing advocate. The complainant is a medical practitioner knew him as she had purchased a Maruti car from the applicant/accused 6-7 years prior of lodging the complaint. The complainant also introduced her friend Dr. Manjushree Sutar with the applicant/accused as she wants to take a divorce. The applicant/accused was looking after her case. However, there was some dispute between the applicant/accused and Manjushree on account of fees. Therefore, she decided to withdraw the said case from the applicant/accused. The applicant/accused got annoyed and started contacting Manjushree on phone and started demanding money for the work he has done. He threatened her. The applicant/accused also contacted the complainant for the fees and then she told him that she was not concerned with the case of her friend. Thereafter, applicant/accused regularly contacting her and threatening her and demanding money. On 28th March, 2015 at about 10.30 p.m when the complainant was going to the hospital for her duty, the applicant/accused came on motor-cycle and

stopped her car. He tried to manhandled the complainant and demanded money. He also informed the Doctor where the complainant was working that he should not gave employment to the complainant. The applicant/accused also threatened her maternal uncle. Thereafter the complainant gave complaint and the offence was registered against the applicant/accused.

4. The second incident took place on 3rd June, 2015. When the complainant was going on her two-wheeler to her clinic, at that time the applicant/accused arrived there on his motor-cycle. He stopped her and questioned her that why she lodged the complaint against him at the police station. He pulled her on the road and abused her in filthy language and kicked her and also assaulted her with first blows. The passerby rescued her and they assaulted the accused and brought him to the police station. Thereafter, she gave complaint to Rajarampuri police station and the second offence was registered against the applicant/accused.

5. The learned counsel for the applicant/accused has submitted that on 3rd June, 2015 the applicant/accused was assaulted by the brothers and family members of the complainant. In fact, the applicant/accused gave complaint on 9th June, 2015 against the brothers and other family

members of the complainant for assaulting him. The offence is registered at Rajarampuri police station at C.R .No. 121 of 2015 under Sections 307, 392, 323 read with 34 of the Indian Penal Code on 10th June, 2015. The learned counsel for the applicant further submitted that on that day in fact the relatives of the complainant assaulted the applicant/accused with sticks on his various parts of the body. One Rajkumar Parkar took away his gold chain and other persons took away his gold bracelet and gold ring. The applicant was robbed of and they all told him that the complainant had hired them to finish him. Therefore, he lodged the complaint.

6. The learned counsel for the applicant/accused relied on the medical certificate of the applicant/accused. He submitted that till today he is admitted in the hospital. He relied on the certificate dated 20th June, 2015 issued by Krishna Charitable Trust Hospital. He submitted that due to revenge the complainant has lodged false cases against the applicant/accused. He further submitted that the first incident of assault has taken place on 26th March, 2015. However, nearly for 10 days the complainant keep mum and did not register case for the best reasons known to her. The delay is not explained. The learned counsel submitted that the applicant is a practicing advocate at Kolhapur and the complainant want to ruin his career. He is entitled to get pre arrest bail.

7. Both the learned prosecutors appearing in the applications have opposed the applications. The learned prosecutor relied on the complaints and the other documents.

8. Perused both the First Information Reports. So also the one which is given by the applicant/accused against the relatives of the complainant. The First Information Report given by the applicant/accused is on 9th June, 2015 and the two First Information Reports given by the complainant are before this date. After going through the First Information Reports of the complainant *prima facie* I am not of the view that they are false complaints. The applicant/accused is a practicing advocate in Kolhapur. The learned prosecutor informs the Court that the complainant and her friend have also made complaint to the Bar Counsel against the lawyer. Perused the injury certificate of the applicant which clearly shows that there is no fracture but only some swelling to fifth and sixth vertebra. Under such circumstances, I am not inclined to grant pre arrest bail.

9. Hence, rejected.

(MRS.MRIDULA BHATKAR, J.)