

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 868 OF 2015

1. Pravin Pandharinath Kakade	
2. Kiran Maruti Kakade	... Applicants
Vs.	
The State of Maharashtra	... Respondent

Mr. Aditya A. Gore, Advocate for the applicants.

Mr. Arfan Sait, APP for the State.

I.O. Mr. S.A. Mhaske. P.S.I., Aalephata Police Station, Panel (R) present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **AUGUST 5, 2015**

P.C.:

This Application is moved for pre-arrest bail, as the applicants/accused are apprehending arrest in C.R. No. 80 of 2015 registered with Aalephata Police Station, Taluka Junnar, District Pune for the offences punishable under sections 392, 354, 447, 323, 504 r/w. 34 of the Indian Penal Code and under section 8 of Protection of Children from Sexual Offences Act, 2012. The incident has taken place on 26th May, 2015.

2. Vasant Vithal Khokale gave information to the police that there is dispute pertaining to the land between the family of the complainant and Kakade family. On 26th May, 2015 at 2 p.m. the family members of applicant/accused started fighting with the complainant on a small issue of well which falls on the border of lands. They started assaulting complainant and his family members. The applicant/accused and co-

accused Devram touched the breast of minor girl of complainant, pulled the clothes and took away her gold chain and locket. Hence, the complaint is lodged.

3. The learned counsel for the applicants/accused submitted that a cross complaint is given by the applicant/accused Pravin Kakade against this complainant and his family members which is registered at C.R. No. 79 of 2015 on 26th May, 2015 with Aalephata Police Station under sections 392, 354, 324, 504, 506 r/w. 34 of the Indian Penal Code. He submitted that the applicants/accused are falsely implicated in the present case. The FIR given by the family of the applicants/accused is first in time. He submitted that the complainant and his family members were aggressive and not the family of the applicants/accused. He submitted that there is no criminal record against the applicants/accused.

4. Learned APP opposed the Application. He submitted that the applicants/accused are facing charges under Protection of Children from Sexual Offences Act and under section 392 of the Indian Penal Code. He relied on the statements of the complainant and the victim girl.

5. Perused the statements of complainant, victim girl and other witnesses. There is a cross case and it is lodged on the same day. It appears that there is quarrel and free fight between both the parties.

From the statement of the victim girl, it appears that when she was shooting the incident of quarrel, applicants/accused resisted her and applicant/accused Pravin Kakade pulled her chain. However, she does not say that the chain was taken away. Considering this, I am inclined to grant pre-arrest bail to the applicants/accused on the following terms and conditions:

ORDER

- i) Application is allowed.
 - ii) In the event of arrest, the applicants/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/- each, with one or two sureties in the like amount;
 - iii) The applicants shall not tamper with the evidence;
 - iv) The applicants shall not indulge into any kind of criminal activity.
 - v) The applicants shall not pressurize the complainant and other witnesses.
 - vi) The applicants shall cooperate with the Investigating Officer and attend the concerned police station on every Friday between 5 p.m. to 7 p.m. till the filing of the charge sheet.
6. The Anticipatory Bail Application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)