

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAILAPPLICATION NO. 1323 OF 2014

1) Mr. Purushottam Suryabhan Khedekar)
2) Mr. Kishor Sahebrao Kadu)..Applicants
vs. (Accused No. 1 & 2)
The State of Maharashtra ... Respondents

WITH

CRIMINAL APPLICATION NO. 709 OF 2014

Mrs. Swati Jitendra Bapat ... Intervener
vs.
Purushottam Suryabhan Khedekar & Anr. Respondents
And
State of Maharashtra Respondent
Mr.A.H.H. Ponda a/w Mr. Abhishek Yende, Advocate for the applicant
Mr.D.P.Adsule, APP, for the respondent-State.
Mr. Ganesh K. Sovani, for the Intervener.

CORAM: SMT.SADHANA S.JADHAV,J.

DATE : 2nd March, 2015.

P.C.

This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicants herein are apprehending their arrest in Crime No.79 of 2012 registered at Deogad Police Station, Taluka Deogad, District Sindhudurg for the offences punishable under Sections 292, 294, 500,501, 502, 504, 505(2) of the Indian Penal Code and Sections 3 and 4 of the Indecent Representation of Women (Prohibition) Act, 1986.

2. The applicants herein were granted interim protection by this Court initially vide order dated 13.10.2014. This Court (Coram: Mrs. Mridula Bhatkar, J.) specifically observed in the order dated 13.10.2014 that the applicants had voluntarily agreed that they would give an undertaking that they shall not write such kind of derogatory books and shall withdraw the publication. This Court (Coram: Mridula Bhatkar, J.) had passed a detailed order on 14.10.2014. On 27.10.2014, the applicants had tendered an unconditional apology for writing and publishing the alleged derogatory remarks against women belonging to a particular caste and had also given an undertaking to this Court that they would discontinue to indulge into such activities in future. That they would respect the women of all castes. That they will not write or publish any article which would create ill-feelings between two different castes/communities. Similarly, in November, 2014 issue, the applicants had published an article tendering unconditional apology and expressing their heart-felt regret due to all that was published in “Marathimarg” publication. The applicants had tendered an unconditional apology to all women irrespective of their caste, creed/community. The original complainant has accepted the said unconditional apology. According to the complainant, since the publication of “Marathimarg” is circulated only amongst the Marathi community and the said sentiments would not reach the

women-folk of Brahmin caste or other community. The complainant has requested this Court to grant permission to publish the article published in November 2014 issue in six other publications along with the unconditional apology (ad-verbatim) given by the applicants to this Court on 27.10.2014.

3. It would be in the interest of justice to maintain harmony amongst all castes. It is true that the feelings of women from Brahmin community were hurt due to the unintentional remarks made by the applicants. However, the contention of the applicants that there was no intention to hurt the feelings of women belonging to other community also needs to be taken into consideration to see to it that in future there is no disharmony amongst the different castes and communities and that there shall be peaceful co-existence of all communities. In view of this, the complainant is permitted to publish the article published in “Marathimarg” November 2014 issue in all the publications which are mentioned in the list of publications given by the learned counsel for the complainant along with an unconditional apology tendered by the applicants on 27.10.2014 before this Court at their own costs. The application and the list of publications given by the complainant are taken on record and marked “X” for the purpose of identification.

4. In view of this, the interim relief granted by this Court vide order dated 14.10.2014 needs to be confirmed.
5. The Intervention Application is heard, allowed and disposed of.

ORDER

In the event of their arrest, the applicants be enlarged on bail on each furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

(SMT.SADHANA S.JADHAV, J.)