

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 139 OF 2016

Leena Rajan Mahajan & Anr. ... Applicants.

V/s.

The State of Maharashtra ... Respondent.

Mr. Anil Kamble, Advocate for the Applicants.

Mrs. Rutuja Ambekar, APP for the Respondent- State.

CORAM : A. S. GADKARI, J.

DATE : 27th JANUARY, 2016.

P.C. :

1 The Applicants are apprehending arrest in connection with the C.R.No.I-06 of 2016 registered with Khadakpada Police Station at Kalyan, Dist. Thane for the offences under sections 452, 354, 323, 504, 506 r/w. 34 of the Indian Penal Code.

2 The complainant Smt. Meena Tulsiram Pawar has lodged the first information report dated 6th January, 2016 with the concerned police station, stating that her husband is working in the office of the Director General of Police, Mumbai as Office Superintendent. That her husband is addicted to liquor and used to quarrel with her. That her husband was having an affair with the Applicant No.1. That on 3rd January, 2016 at about 11.30 p.m., the husband of the complainant under the influence of liquor had quarreled with her,

threatened her and thereafter left the house and did not return till the lodgement of FIR.

3 That on 5th January, 2016 at about 10 p.m., when the complainant alongwith her three daughters had been at her residence, somebody rang the door bail. The complainant opened the door. At that time, the Applicant No.1 alongwith one person, who was tall and strong built, forcibly entered into the complainant's house and questioned her about her husband. The complainant informed them that her husband did not return home for the last three days. At that time, both the Applicants pushed the complainant and further entered into her house. The said unknown person alongwith the Applicant No.1 told the complainant that her husband is giving phone calls to his wife i.e. the Applicant No.1 and threatened her to ask her husband to come out of house, otherwise he will have to face serious consequences. When the complainant tried to explain the fact situation, the Applicant No.2 hold her maxi, which was on the person of the complainant, tore it and gave kick blow on the chest of the complainant. That when the daughter of the complainant by name Priyanka tried to pacify the quarrel, the Applicant No.2 hit her with a fist blow on her right eye. In the premise, the complainant had lodged the said report.

4 The learned counsel for the Applicants submitted that the Applicants have been falsely implicated in the said

crime. They did not have any concern with the complainant or her husband. The Applicant No.1 is working in the office of the Director General of Police, Mumbai and therefore, the custodial interrogation of the Applicant is not necessary.

5 The learned APP opposed the application and submitted that the custodial interrogation of the Applicant No.1 is necessary to unearth the truth behind the crime. A bare perusal of the first information report shows that the Applicants, late in the night had forcibly entered into the house of the complainant. The Applicant No.2 torned the Maxi which was on the person of the complainant and thereafter, committed the act punishable under section 354 of the Indian Penal Code. The Applicant No.2 has also assaulted the daughter of the complainant. If the contention of the Applicant No.1 is true that she is working in the office of the Director General of Police, State of Maharashtra, then it was incumbent on her part to understand the consequences of the criminal trespass in the house and outraging the modesty of a woman. After taking into consideration the serious allegations against the Applicants and the gravity of offence, in my opinion, this is not a fit case to release the Applicants on pre-arrest bail.

6 The Application is accordingly dismissed.

(A.S. GADKARI,J.)