

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.354 OF 2016

Chandrakant Yadav Waghmare	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Mateen A.r. Shaikh, Adv. for the applicant.
Mrs. G.P. Mulekar, APP for State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 4th March, 2016.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.31 of 2016 registered with Khandeshwar Police Station, Khandeshwar, Navi Mumbai for offences punishable under Sections 147, 148, 149, & 354 of the IPC.

2. The allegations against the applicant are that on 15th February, 2016 at about 12 pm he along with co-accused formed an unlawful assembly armed with deadly weapons. It is alleged that the applicant and the other co-accused inflicted injuries on Trupti Patil and thereby outraged her modesty.

3. Heard Mr. Shaikh, the learned counsel for the applicant and Mrs. Mulekar, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

4. A perusal of the FIR prima facie indicates that on 15th February, 2016 at about 12 pm, she had received a phone call from one Jadhav asking her to come to the office of Sai Enterprises Builders and Developers to collect her money. She has stated that she and her husband went to the office of Sai Enterprises at Chiple. She has stated that said Jadhav declined to pay the money and when they questioned him about the builder Nanaware, the applicant and Jadhav assaulted them with wooden sticks, slaps and blows. The FIR does not prima facie indicates that the applicant had tried to outrage the modesty of the first informant. The nature of the allegations levelled against the applicant, in my considered view, does not justify custodial interrogation. The applicant is the permanent resident of Raigad and there is no possibility of the applicant absconding and thwarting the course of justice.

5. In view of the above facts and circumstances the

application is allowed on the following terms and conditions.

- i. In the event of arrest of the applicant in Crime No.31 of 2016 registered with Khandeshwar Police Station, Khandeshwar, Navi Mumbai, the applicant shall be released on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one or two sureties in the like amount to the satisfaction of the JMFC, Panvel.
- ii. The applicant shall report to investigating officer for 4 days from 10 am to 1 pm from the date of receipt of this order.
- iii. The applicant shall not interfere with the complainant or witnesses and tamper with evidence in any manner.
- iv. The applicant shall not leave Raigad district till filing of the chargesheet without prior permission of the JMFC, Panvel.

(ANUJA PRABHUDESSAI, J.)