

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.478 OF 2016

Parshuram Daji Chavan	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. S.N. Pathak, for the Applicant.
Mr. S.H. Yadav, APP for Respondent – State.
Mr. Kuldeep Patil, for the Intervener.
Mr. K.V. Shinde (API), Thane police station present.

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

DATE: **22nd MARCH, 2016**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 354, 504 and 506 of the Indian Penal Code in C.R. No. 39 of 2015 registered with Dahisar police station, Mumbai. The offence is registered at the instance of one Bharti Pawar on 23rd January, 2016.

2. It is the case of the prosecution that, on 23rd January, 2016 there was some altercation between the applicant/accused and the

complainant. At that time, the applicant abused her in filthy language. He pushed her and outraged her modesty. So she went to the police station and gave complaint. She has stated that she did not mention the words which were uttered by the applicant/accused when the first information report was given because the police officers were male persons and therefore she could not utter those filthy words.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused has been attending the police station. He has no criminal antecedents. Earlier there was dispute between the complainant and the applicant/accused. It is submitted that the applicant/accused has given complaint against the complainant. She used to fight with many members of the society and the allegations made against the applicant/accused are false.

4. The learned prosecutor and the learned counsel for the complainant opposed the application. It is submitted that the affidavit filed by Mr. Mandar Jathar, a member of the society is false because the complainant has filed cases against Mr. Jathar pertaining to a flat

before the Consumer Court. The learned counsel for the complainant has submitted that the Consumer Court has given decision in favour of the complainant and therefore Mr. Jathar has given false statement against her. It is further submitted that there are witnesses who have stated about the filthy utterance by the applicant/accused.

5. Perused the first information report. The words which are allegedly uttered by the applicant/accused are in very filthy language and showing disrespect towards a woman. However, it appears that the applicant/accused and the complainant and other witnesses are the members of the same society and it appears from the documents which are produced that the complainant and the members of the society have number of disputes between them. Some cases are filed against each other. Under such circumstances, I am of the view that the custody of the applicant/accused is not necessary for the investigation. Hence, I grant pre arrest bail on the following terms and conditions.

(a) In the event of arrest, the applicant/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 15,000/- with one or two solvent sureties in the like amount;

- (b) The applicant shall not tamper with the evidence;
- (c) The applicant shall cooperate with the Investigating Officer and shall attend the concerned police station once on 30th March, 2016 between 7.00 pm to 8.00 pm.

(MRS.MRIDULA BHATKAR, J.)