

Anand

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

ANTICIPATORY BAIL APPLICATION No.561 OF 2016

1. Rajendra Madhukar Bhamre .Applicants
2. Tushar Madhukar Bhamre

Vs.

The State of Maharashtra .Respondent

Mr.N.Mundargi i/b. Mr.M.Harit, Advocate, for the
Applicants

Mr.A.Sait, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 11.04.2016

P.C.

. Heard learned counsel for the
Applicants and the learned APP for the
Respondent – State.

2. By this application, the applicants
seek pre-arrest bail in connection with C.R. No.
I-8 of 2016 registered with the Camp Police
Station, Malegaon, Nashik, for the alleged
offences punishable under Sections 143, 147,
354, 354B, 452, 323, 504, 506 and 34 of the

Indian

3. The incident in question has taken place on 25th December, 2015 at about 2 – 2:30 a.m. It is alleged by the complainant that when she was at her residence with her children, both the applicants along with 7 to 8 unknown persons entered the house and abused her. According to the complainant, the applicants threatened her to vacate the house within eight days, or face dire consequences. It is also alleged that one of the applicant pulled her saree and slapped her on her face and thereby, outraged her modesty.

4. Learned Counsel for the applicants submitted that the FIR was lodged on 2nd February, 2016 as against the applicants and 7 to 8 unknown persons, alleging the aforesaid offences for an incident, which took place on 25th December, 2015. He submitted that the

applicant No. 1 is the owner of the bungalow, of which, the complainant and her family, are tenants. He submits that an eviction suit is pending between the parties. He submits that on 3rd December, 2016, provisions under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act were applied, though no allegations under the said Act were spelt out in the FIR.

5. Learned APP opposes the bail application.

6. Perused the papers.

7. The alleged incident is stated to have taken place on 25.12.2015 and the FIR is lodged on 02.02.2016. A perusal of the FIR shows that prima facie, no allegations under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are disclosed, so as to deny

bail to the Applicants. It also appears that there are proceedings pending between the parties with regard to the flat, where the complainant is residing.

8. Considering the nature of allegations, the Applicants are granted Anticipatory Bail on the following terms & conditions:

ORDER

(i) In the event of arrest, the applicants be enlarged on bail, on executing PR Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;

(ii) The applicants shall report to the investigating officer of the Camp Police Station, Malegaon, Nasik on **every Saturday** from **10.00 a.m. to 11.00 a.m.** till the filing of the charge-sheet or for a period of two months whichever is earlier.

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.

10. It is made clear, that the observations made herein, are *prima facie* , and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)