

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

ANTICIPATORY BAIL APPLICATION NO.1134 OF 2016

Malkari Laxman Kamble ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

.....

Mr.Satish R.Mishra, Advocate for the Applicant.

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

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CORAM : P. N. DESHMUKH J.

DATED : 15th JULY 2016.

P.C.

1 Accused involved in Crime No.I-113 of 2016 registered by Kamothe Police Station for the offences punishable under Section 354(b) of the Indian Penal Code 03/06/2016 has filed application for pre-arrest bail.

2 The learned counsel for the applicant has submitted that from the contents of FIR, no provisions of Section 354(b) of the Indian Penal Code can said to be attracted as there are no allegations of assault or use of criminal force on prosecutrix by applicant. It is further contended that applicant is falsely involved as relation between husband of the complainant and applicant were strained prior to incident and to settle that score complainant has falsely involved applicant in his crime.

Admittedly, no relief was granted to applicant by the learned Sessions Court.

3 The learned Additional Public Prosecutor has opposed the application on the ground that there is nothing to establish that applicant is falsely implicated by prosecutrix and has submitted that there is ample evidence establishing involvement of applicant in the present crime.

4 Perused the case diary made available by the learned Additional Public Prosecutor. It appears that in the night of 02/06/2016, complainant along with her husband and their friends were roaming within the society premises after having dinner, at that time, applicant came on motorcycle and invited quarrel with complainant's husband saying that can he not see the vehicle coming and not clear the road, upon which complainant's husband made him to understand. However, on getting annoyed, applicant made a phone call and called others on the spot. On their arrival, he along with six accused manhandled complainant and in the course of same transaction applicant also torn complainant's clothes abusing her in filthy language. This incident was witnessed by number of female as well as male persons with whom complainant and her husband, at the material time, were chit-chatting within the premises of their Society.

5 Contents of report finds corroboration from statements of other witnesses, who were present at the time of incident. In the circumstances, *prima faice*, the involvement of applicant is established.

6 Having considering above facts no case is made out for grant of anticipatory bail. Application is, therefore, devoid of merits and is thus rejected.

(P. N. DESHMUKH J.)