

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1912 OF 2016

Ganpat Dagadu Gaikwad	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Rameshwar N. Gite, Advocate for the applicant.
Mr. Y.M.Nakhwa, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 13th December, 2016.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 26.4.2016 in Crime No.100/2016 registered at Ambad Police Station, Dist. Nashik. The investigation is completed and charge sheet is filed against the applicant for the offences punishable under Sections 354A, 354B, 452, 323, 324, 427, 504, 506, 143, 147, 148 read with Section 149 of the Indian Penal Code and Sections 11 and 12 of the Protection of Children from Sexual Offences Act.

2. It is the case of the prosecution that on 26.4.2016, Sunita Dandekar lodged a report at the police station that she is working as a

domestic maid. That the applicant and his friends were stalking and harassing her niece Sapna for quite some time. One of the accused was insisting upon the complainant and her brother-in-law to get Sapna married to Tanaji Gaikwad and his friends were exerting pressure upon them. That on 25.4.2016, they humiliated the complainant and her niece Sapna. That they had retaliated. On the same day, in the evening, Tanaji Gaikwad with his friends including the present applicant had entered into the house of the first informant. They had hurled filthy abuses at them. They had outraged the modesty of the family members in the house. They had assaulted female members who had intervened. People in the close by area were simply watching the incident as they were scared of intervening due to the terrorising nature of the applicant and his friends. Someone had informed the police station about the incident and upon learning about the same, the present applicant and Anil Mohan Kale had taken all the accused persons in his rickshaw and fled from the scene of offence.

3. Perused the papers of instigation, the injury certificates and the statements of the eye-witnesses. It is a matter of record that the incident as narrated by the first informant is corroborated. The learned counsel for the applicant submits that the applicant had not committed any offence and is

falsely implicated . In fact, there is no reason for falsification.

4. The learned APP has placed on record the particulars of the criminal antecedents of the present applicant which clearly show that the applicant herein is a history sheeter. He has been charge-sheeted for the offences punishable under Sections 399 and 402 of IPC in more than 2 offences registered at the same police station. The learned APP rightly submits that the applicant has misused the liberty granted to him by the Courts and he has committed similar offences while on bail and hence he does not deserve to be enlarged on bail. The learned APP also submits that the applicant is a terror in the said area and the modesty and the dignity of women in the said area is because of the conduct of the applicant.

5. Taking into consideration the papers of investigation, the role attributed to the present applicant and the similar criminal antecedents of the applicant, the application deserves to be rejected. The application being sans merit, stands rejected.

(SMT. SADHANA S.JADHAV, J.)