

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

ANTICIPATORY BAIL APPLICATION NO.99 OF 2017

Laxman Tukaram Nimbalkar Applicant

versus

State of Maharashtra ... Respondent

Mr. Anil Shitole, Advocate for the Applicant.

Mr. Deepak Thakery, APP for the State/Respondent.

CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 03rd FEBRUARY, 2017.

P.C. :

1. This application is moved for pre-arrest bail by the applicant/accused. The applicant/accused is prosecuted for the offences punishable under sections 143, 147, 148, 149, 323, 354-B, 504, 506 of the Indian Penal Code in C.R.No.88/16 of Mahad Taluka Police Station, District-Raigad.

2. One Asmita Ashok Patil gave information to the police that on 27/12/2016, the applicant/accused alongwith other accused abused her. They pulled her Saree. Her blouse was torn and the present applicant/accused removed his shirt and danced before her and this is how her modesty was outraged. Pursuant

to her information the offence was registered against the applicant/accused and other accused. The learned counsel for the applicant/accused submitted that the family of the complainant and family of the applicant/accused and his associates are hostile towards each other, as the applicant/accused wants to start a school in the village. He has submitted that there was a quarrel and fight between the two groups in the village on 27/12/2016. Many villagers were involved in the quarrel.

3. He submitted that his wife Latika Nimbalkar also gave similar type of complaint against the associates of the present complainant, which was registered at C.R.No.87/16. On the same day one lady Kiran Gajanan Salunke also approached the police and made complaint that her Dupatta was pulled and somebody had taken away her Mangalsutra and so offence under section 392 and 354-B of Indian Penal Code was also registered against the associates of the complainant and the complainant in C.R.No.89/16 with Mahad Taluka Police Station. The learned counsel further submitted that the charges against

the applicant/accused are false and he has been falsely implicated in this case and also in the case of Atrocity Act falsely filed against him by the Sarpanch of the village.

4. The learned counsel submits that his pre-arrest bail was rejected by the Sessions Court and therefore he filed appeal before the High Court. However, the said appeal is also dismissed and now he intends to challenge that order before Supreme Court by filing SLP. The learned counsel submits that though interim bail was granted by this Court with directions, that is, to attend the police station on Monday and Saturday, he could not attend as his bail application was rejected in the offence under the Atrocity Act. The learned counsel further submitted that the applicant/accused is in a very peculiar situation, though he intends to obey the order of this Court he could not, due to the fear of arrest in the other case. He submits that he may be given some time to move Honourable Supreme Court and thereafter he will be able to obey the directions of this Court.

5. The Investigating Officer is present. The learned prosecutor on instructions submits that the applicant/accused should attend the police station as per the order passed by this Court.
6. On perusal of FIRs, which were filed on the same day, it appears that there is conflict on account of construction and starting of the school in the said village between the applicant and his group and the other villagers including Sarpanch. On 27/12/2016 apparently some quarrel had taken place. However in view of these three cases and the facts of the case, I confirm pre-arrest bail granted to the applicant/accused by the order dated 19/01/2017 with the same bail bond. However, specific directions are given that he shall attend police station 21/02/2017 onwards on every Tuesday and Friday between 06.00 p.m. to 08.00 p.m. for three weeks.
7. In the event of non-attendance, this order of bail will be cancelled forthwith.

(MRIDULA BHATKAR, J.)