

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1125 OF 2017**

Sunder Babu Tangraj	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Joveson Jose Veronica Cheruvathur for the Applicant

Mr. Prashant Jadhav, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 2nd AUGUST, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 146 of 2016 registered with the Dehu Road Police Station, Pune, for the alleged offences punishable under Sections 307, 326, 354, 323, 509, 504 and 506 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the said case. He submits that the applicant himself is a victim, inasmuch as, chilli powder was thrown in his eyes, pursuant to which, he started swirling the iron rod, in which, the

complainant and others got injured. He submits that infact, the applicant had lodged several complaints as against the complainant and his family, however, no cognizance was taken by the police.

4. Learned A.P.P opposed the application. He submits that the complainant's statement is corroborated by the injury certificates. He submits that several persons received injuries in the said incident, including the grandparents of the complainant. He further submits that the applicant had not only assaulted the complainant and others, but had also misbehaved with the complainant and her sister and had touched them inappropriately and had even threatened them.

5. Perused the papers. According to complainant-Kiran Vitkar, on 13th June, 2016, the applicant gave filthy abuses to her father and when her father questioned him, as to why he was abusing, the applicant assaulted her father, with an iron rod and stated that he would make his wife and daughters sit for prostitution. According to the complainant, her father kept quite. She has alleged that on 15th June, 2016 at about 11:00 a.m., she, her mother, sisters-Monica and Mamta and brother-Parmesh and

grandparents were in the hotel, when her mother disclosed to her, the incident of 13th June, 2016. She has stated that when her mother was disclosing the incident of 13th June, 2016, the applicant came on a motorcycle outside their shop, and made some inappropriate gestures. According to the complainant, she questioned him, as to why he was looking at them. She has alleged that the applicant pulled her *dupatta* and touched her inappropriately. She has stated that when her mother, grandmother and sister pulled him from behind, he kicked her on her chest and forehead. She has stated that when she tried to escape, the applicant pulled her mother's hair, picked up an iron pipe, which was lying on the spot and assaulted her on her head, by saying that he would not leave her alive. The applicant, thereafter, assaulted the complainant's grandmother on her hand and grandfather on his head, pursuant to which, both of them sustained injuries. The complainant's sisters also received injuries in the assault. The applicant has also alleged to have assaulted complainant's brother-Parmesh and thereafter, while leaving the spot, threatened them not to disclose the incident to others and abused them. The injury certificate shows that the complainant's mother-Mahadevi was brought unconscious to the hospital and was put on Ventilator support. The complainant's mother

had 2 CLWs, one on the right side parietal region and the other on the left side occipital region. As far as complainant's grandmother-Sushila is concerned, she too had sustained injuries on her left forearm and left thigh. Complainant's sister-Mamta had also sustained a fracture (left forearm). It also appears that the applicant had outraged the modesty of the complainant-Kiran and her sister-Mamta. If the applicant is enlarged on bail, the possibility of the applicant tampering and threatening the witnesses, cannot be ruled out in the facts of the case.

6. Considering the material qua the applicant, this is not a fit case to enlarge the applicant on bail. The application is accordingly rejected. However, the trial is expedited.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.