

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

CRIMINAL APPEAL NO. 625 OF 2017

Mamta Jitendra Jadhav. ..Appellant.
Vs.
The state of Maharashtra & ors. ..Respondents.

Mrs. Pranali P. Kakade, advocate for appellant.

Mr. Samir Vaidya, advocate for respondent.

Mr. Prashant Jadhav, APP for State.

**CORAM : RANJIT MORE, J &
SMT.SADHANA S. JADHAV,J**
DATE : SEPTEMBER 20, 2017

P.C.

1 Heard Mrs. Kakade, learned Counsel for the appellant, Mr. Samir Vaidya, learned Counsel for the respondent and Mr. Jadhav, learned APP for State.

2 The appellant being aggrieved by the rejection of application for anticipatory bail under the Atrocities Act, vide order dated 15/7/2017 passed by the Addl. Sessions Judge, Greater Bombay has approached this court by filing aforesaid appeal. In respect of the incident dated 10/2/2017 at the instance of the appellant, FIR No. 38 of 2017 is registered with the Dadar

Police Station on the same day against the present complainant and Nilofer Sayyad, Amita Thorat and Snehal Jadhav for offence punishable under section 341, 354, 323, 504, 506, 114 of the Indian Penal Code. The appellant alleged in the said FIR that the Respondent No. 2 complainant alongwith other accused threatened, outraged her modesty and assaulted her.

3 In respect of the very same incident, the respondent complainant had registered separate FIR No. 45/17 only on 27/6/2017 at Dadar Police Station for offence punishable under section 3(x)(xi) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Thus there is delay of nearly about 5 months. We are of the opinion that the FIR is afterthought. We are therefore, inclined to grant anticipatory bail to appellant.

4 The observations made hereinabove are prima facie in nature and restricted for the purpose of this appeal only.

5 The appeal is disposed of by passing following order :

ORDER

(i) The appeal is allowed. Impugned Order dated 15/7/2017 is quashed and set aside.

(ii) In the event of arrest, the appellant be released on bail on executing P.R. Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount.

[SMT.SADHANA S. JADHAV,J]

[RANJIT MORE, J]