

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 2120 OF 2016

Dattu Ashok Jadhav	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Ujwal R. Agandsurve, Advocate for the applicant.
Mr. Y.M. Nakhwa, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **19th January, 2017.**

P.C.:

The Application is moved for pre-arrest bail under section 438 of Cr. P.C. The applicant/accused is prosecuted for the offences punishable under sections 452, 354B, 294, 387, 506(2), 323, 504 r/w. 34 of Indian Penal Code in C.R. No. 183 of 2016 registered with Salgar Vasti Police Station, Solapur. One Bismillah Razack Shaikh gave complaint against the application on 27th October, 2016.

2. It is the case of the complainant that she lost her husband 1½ year ago. She along with her daughters Taslim and Tanuja is residing at Solapur and doing business of selling Vada-pav at the railway station and that was her only source of livelihood. She knew applicant/accused for last 7 to 8 years. The applicant threatened and insisted her for handing over her business of selling vada-pav to him and against which he is ready to pay Rs.3,00,000/- to her. The complainant did not agree to this proposal. On 24th October, 2016 the applicant arrived at her house and

threatened her that he would kill her and her daughter or otherwise she should pay him Rs.10,000/- ransom and thereafter he assaulted the complainant and her daughter Tanuja. Then she went to the police station to give complaint. When her daughter Taslim was returning from station, applicant/accused arrived there on motorcycle and assaulted her and tried to tear off her shirt. He also threatened her of life. Therefore, the complaint was lodged against the applicant/accused.

3. The learned counsel for the applicant/accused submitted that the allegations made against the applicants/accused are false. No such incident has taken place. In fact the applicant/accused has given them loan and when he demanded that money, the complainant falsely implicated him in this case.

4. Learned APP relied on the statement of complainant and two daughters of the complainant. He submitted that statement of the complainant under section 164 is also recorded. He further submitted that two offences at C.R. Nos. 26 of 2002 and 01 of 2005 are registered against the applicant/accused wherein the applicant/accused is prosecuted for the offence against human body.

5. Perused the FIR, statements of Taslim Shaikh and Tanuja Shaikh and so also other independent witnesses confirming that

applicant/accused had abused and assaulted the complainant and her daughter Tanjua in her house and also confirming the incident of threatening and assaulting Taslim. Considering the facts of the case and in view of the allegations and as the applicant/accused is staying in the same vicinity, I am not inclined to grant pre-arrest bail to the applicant/accused. Hence, Anticipatory Bail Application is rejected.

(MRIDULA BHATKAR, J.)