

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2088 OF 2017

Subhash Sohanlal Sambhir	...Applicant
Versus	
The State of Maharashtra	...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 2089 OF 2017

Santosh Jaganlal Medhwaj	...Applicant
Versus	
The State of Maharashtra	...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 2090 OF 2017

Lavkush Hukumtsingh Karotia	...Applicant
Versus	
The State of Maharashtra	...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 2091 OF 2017

Dinesh Hariprasad Parche	...Applicant
Versus	
The State of Maharashtra	...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 2092 OF 2017

Maruti Karva Dhakoliya	...Applicant
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Versus

The State of Maharashtra ...Respondent

Mr. Bharat V.Bhatia for the applicants.

Ms.Veena Shinde, APP for the State in ABA No. 2088 of 2017
Mr.S.V.Gavand, APP for the State in ABA No. 2089 of 2017
Ms.P.P.Shinde, APP for the State in ABA No.2090 of 2017
Ms.J.S.Lohokare, APP for the State in ABA No.2091 of 2017
Mr.R.M.Pethe, APP for the State in ABA No.2092 of the 2017

PSI Yogesh Madhav Gaikar Central Police Station, Ulhasnagar.

CORAM: A.M. BADAR, J.
DATED: 29th NOVEMBER, 2017

PC:-

1. Applicants in these applications are accused in crime No. I-137 of 2017 registered with Central Police Station, Ulhasnagar Dist. Thane for the offences punishable under Section 452, 341, 326, 323, 143, 147, 149 and 504 of the Indian Penal Code at the instance of Pappu Ujainwal. By these applications they are seeking pre- arrest bail.

2. Heard the learned advocate appearing for the applicants/accused. He argued that a day earlier to the registration of the crime in question, daughter-in-law of the

first informant Pappu namely, Nikita Ujainwal had lodged a report against her brother-in-law i.e. son of first informant Pappu alleging outraging her modesty. She averred in the said FIR that, though first informant Pappu- her farther-in-law was present on the scene of occurrence he had done nothing to save her modesty. This according to the learned advocate for the applicant had triggered first informant Pappu to lodge the subject FIR as the counter blast and all family members from paternal side of Nikita are involved in the crime in question. He further argued that during pendency of similar applications before the learned Sessions Judge all accused persons were co-operating the investigators by attending the police station.

3. The learned APP opposed the application by contending that the applicants alongwith other co-accused committed trespass at the house of first informant Pappu and assaulted him. This has resulted in causing grievous hurt to Pappu and therefore, applicants are not entitled for pre-arrest bail.

4. I have carefully considered the rival submissions and also perused the case diary. Nikita is daughter-in-law of first informant Pappu. She married Suraj son of Pappu in the year 2011. It was a love marriage.

5. Nikita reported to police on 24.5.2017 that her brother-in-law Pankaj, under intoxication of liquor outraged her modesty and abused her. She further averred that at that time though the first informant was present, in stead of intervening, he insisted Nikita to leave the house or else to face such consequences.

6. On 25.5.2017, Pappu lodged the subject FIR with an averment that his Son Pankaj was bailed out in the offence registered at the instance of Nikita and therefore, relatives of Nikita dashed to his house and assaulted him as well as his son Pankaj. They assaulted him again when he was going to the police station.

7. I have perused the injury certificate of injured Pappu. Perusal of the said injury certificate issued by the Government Hospital does not show that Pappu has suffered any grievous injury in the incident in question.

8. It is reported that all applicants have co-operated with the investigators during the pendency of the similar applications before the learned Sessions Court. Considering the nature of the offence and the circumstances in which it was alleged to have been taken place, I am of the considered opinion that custodial interrogation of the applicants before this Court is not warranted. Therefore, the following order.

ORDER

- i) The applications are allowed.
- ii) In the event of their arrest in crime No. I-137 of 2017 registered with Central Police Station, Ulhasnagar, Dist. Thane for the offences punishable under Sections 452, 341, 326, 323, 143, 147, 149 and 504 of the Indian Penal Code be

released on bail on executing their P.R. Bond of Rs.15,000/- and on furnishing sureties in the like amount by each of them.

iii) As a condition of this order, the applicants should not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or to the Police Officer.

iv) The applicants to attend the concerned police station on 3rd December 2017 and 10th December 2017 in between 11.00 am to 1.00 p.m. and they should assist the investigating officer in the investigation of the crime.

v) In addition to this, they should also attend the investigating officer as and when directed by a written notice.

(A.M. BADAR, J)