

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

ANTICIPATORY BAIL APPLICATION NO.2160 OF 2017

Dashrath Vithoba Gole & Anr. Applicants
Vs.
The State of Maharashtra Respondent

Mr. Sandesh Patil i/by Mr. Prithviraj S. Gole for the Applicants.
Mr. N.B. Patil APP for the State.

Sau. Vanita Narendra Mhatre, HC, I.O., Poladpur Police Station
present.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 13th December, 2017

P.C.:

1 Heard the learned counsel for the applicants and the
learned APP. Perused the papers of investigation.

2 This is an application under Section 438 Code of Criminal
Procedure. The applicants herein are apprehending their arrest in
Crime No.63 of 2017, registered at Poladpur Police Station on 23rd
November, 2017, for the offences punishable under Sections 354,
504 and 506 read with 34 of Indian Penal Code. The applicant no.1

happens to be the husband of applicant no.2. The investigation is completed and the charge-sheet is filed.

3 It is the case of the prosecution that on 23rd November, 2017, the complainant lodged a report at Police Station alleging therein that she was an employee of the present applicants. She happens to be a widow. That on 5th November 2017, in the afternoon at about 3.00 pm, when she had gone to switch off the motor, the applicant no.1 had attempted to outrage her modesty. It is alleged that she had discontinued to work with the applicant and thereafter she had called upon the applicant and demanded Rs.14,000/-. She had reiterated her demand on more than two occasions. Finally the applicant no.1 had informed to the father of the complainant and had made him hear the conversation of the complainant and the applicant on cell-phone. Her father had even scolded her for demanding the money from the present applicant no.1. It is alleged that she has finally uploaded a video on her facebook account alleging therein that the applicant has misbehaved with her and has threatened her of dire consequences. The police

had then approached the complainant and had asked her to lodge a report in respect of the said incident and hence, the report was lodged on 23rd November 2017 in respect of the incident which had occurred on 5th November 2017. It prima facie appears that there was some dispute between the complainant and the applicant regarding payment of the salary to her. In the given facts of the case, the custodial interrogation of the applicants would be unwarranted, hence, this court is inclined to grant the pre-arrest bail in favour of the applicants.

4 However, the observations made hereinabove are prima facie in nature. The learned Sessions Court shall not be influenced by the above observations at the time of hearing the application for discharge or quashing of FIR or at the time of trial. The same be decided on its own merits. Hence, the following order is passed :

ORDER

1 The application is allowed.

2 In the event of arrest in Crime No.63 of 2017, registered at Poladpur Police Station, District Raigad, the applicants be enlarged

on bail on furnishing P.R. bonds in the sum of Rs.50,000/- each with one or more solvent sureties in the like amount.

3 The applicants shall report to the concerned police station as and when called and co-operate with the investigating agency.

The application is accordingly disposed of.

(Smt. Sadhana S. Jadhav, J)