

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

ANTICIPATORY BAIL APPLICATION NO.2035 OF 2018

Dr. Subhash Pirappa Lamture and
Anr.

...Applicants

Versus

The State of Maharashtra

...Respondent

.....

Mr. Ashok P. Mundargi, senior advocate with Mr. B.S. Shinde for the Applicants.

Mr. S.R. Agarkar, APP for the Respondent-State.

Mr. G.M. Pawar, police constable, Indapur police station, Pune rural present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 4th OCTOBER, 2018.

P.C.:-

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicants, apprehending their arrest in Crime No.175 of 2018 registered with Indapur Police Station, District-Pune (Rural), for offences punishable under Sections 354 and 395 of the Indian Penal Code, 1860.

2. Heard Mr. Ashok Mundargi, the learned senior counsel for the Applicants and Mr. S.R. Agarkar, the learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsels for the respective

parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Kaushalya Gulab Ingale. The FIR prima facie reveals that the Applicants and the first informant own adjoining fields and that there is boundary dispute in respect of the said fields. The first informant has alleged that on 2nd March, 2018 at about 11.00 a.m. while she had gone to the field, she had seen that Banana plantation in her field was damaged due to the fire set by the Applicants in their sugarcane field. She has alleged that when she questioned the Applicant about the same, he embraced her and outraged her modesty. She had also stated that in the course of the scuffle, the Applicant No.2 had snatched away her gold chain and necklace.

4. It is to be noted that there is delay in lodging the FIR and prima facie there are no justifiable reasons to explain the delay. The allegation that the Applicant No.1 had embraced the first informant and outraged her modesty in presence of his wife (the Applicant No.2) does not prima facie appear to be probable. It is also to be noted that prior to lodging of the FIR, the Applicant No.1 herein had lodged a complaint against the first informant alleging that on 1.3.2018 when

he had visited his field, the first informant and her family members had tried to assault him and had threatened to cause his death. It is thus, evident that the relationship between both the parties is strained due to the boundary dispute and they have lodged complaints and cross complaints against each other.

5. Considering the above facts, in my considered view the case does not justify custodial interrogation. The Applicants are the permanent residents of Indapur and have roots in the society and there are no chances of the Applicants absconding or thwarting the course of justice. Furthermore, the Applicants have no criminal antecedents.

6. Considering the above facts and circumstances, in my considered view the Applicants are entitled for pre-arrest bail. Hence, the following order:-

(i) The application is allowed.

(ii) In the event of arrest of the Applicants in Crime No.175 of 2018 registered with Indapur Police Station, District-Pune (Rural), the Applicant be released on bail on furnishing bail bonds of Rs.25,000/- each with one or two solvent sureties

in the like amount.

(iii) The Applicants shall report to the concerned police station for a period of four days from 8th October, 2018 between 11.00 a.m. to 2.00 p.m. and thereafter as and when required and called by the Investigation Officer.

(iii) The Applicants shall furnish their permanent as well as temporary addresses, if any, and their contact details to the concerned Investigation Officer.

(iv) The Applicants shall not change their residential addresses without prior intimation to the concerned Investigation Officer.

(v) The Applicants shall not interfere with the victim and witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)

Megha
Shridhar
Parab

Digitally signed
by Megha
Shridhar Parab
Date:
2018.10.05
15:05:53
+05'30'