

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

ANTICIPATORY BAIL APPLICATION NO. 2240 OF 2018

Vilas Ramchandra Yadav	... Applicant
Vs.	
State of Maharashtra	... Respondent

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Mr. Gautam T. Kanchanpurkar for the applicant.
Mr. Arfan Sait, APP for the Respondent-State.
Mr. Suhas Kamble, P.I. Palghar, Police Station is present.
Mr. P.N. Choudhary, Palghar Police Station is present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 29th OCTOBER, 2018.

P.C.

1. This is an application for anticipatory bail in C.R. No. 232 of 2018 registered with Palghar Police Station for offence punishable under Sections 395, 354, 341, 323, 427 of Indian Penal Code.
2. The prosecution case is that one Wasim Salim Shaikh had lodged the FIR stating that on 4th October, 2018 at about 9 p.m. he alongwith his wife were on their road going to their residence after having dinner. He was also accompanied with his friend who was also driving auto rickshaw and going towards dargah. When they were proceeding via road in village Tambode the accused came from back side by blowing horn of his motor-cycle. The informant

therefore told the accused that they should drive properly. The accused therefore overtook him and stopped his vehicle in front of the auto rickshaw and started abusing. The accused thereafter drove his motor cycle to some distance and stopped at Garden Society where five to six persons from the village of accused started assaulting informant and his friend. At that time wife of informant tried to intervene, the accused assaulted her by hands and fists blows and outraged her modesty. Accused snatched Mangalsutra and caused damage to the auto rickshaw. At that time wife of the informant called her brother to the spot and when he reached the spot, the applicant and other persons also assaulted him and damaged his vehicle. On the basis of complaint, FIR was lodged vide CR No. 232 of 2018.

3. Applicant preferred an application for anticipatory bail before the Sessions Court which has been rejected. It is submitted by the advocate for the applicant that he has been falsely implicated in the case. There is no material to connect the applicant for the offence under Sections 395, 354, 452, 323 of Indian Penal Code. It is further submitted that applicant had lodged FIR against the first informant in this case vide CR No. 233 of 2018 which is also registered for the offences punishable under

Sections 395, 354, 452, 323 of Indian Penal Code. Learned counsel for the applicant submitted that accused in the FIR lodged by the applicant had preferred an anticipatory bail before this Court in which the protection has been granted. It is further submitted that informant had sustained injury which is simple in nature as per the medical certificate which is annexed to this application.

4. Learned APP submitted that applicant is involved in a serious crime. Mangalsutra of the wife of the informant was snatched by the accused. Modesty of the wife of the informant was outraged by the applicant and therefore anticipatory bail application may be rejected.

5. As stated above, there are cross cases by both the parties. According to the applicant, he was assaulted by the opponent by fist and kick blows. Applicability of offence under Section 395 of Indian Penal Code is debatable. It is alleged that the grounds of quarrel between both the parties is that the ornaments of the complainant's wife was snatched by the accused. Similar allegations with regards to outraging modesty and robbery is alleged in the counter FIR lodged by the applicant. In the circumstances, applicant can be granted anticipatory bail. Hence, I

pass the following order.

ORDER

- i. In the event of arrest in connection with C.R. No. I-232 of 2018 registered with Palghar Police Station, applicant be released on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount.
- ii. Applicant shall report to the Investigating Officer of the concerned Police Station once in a week on Friday between 10.00 a.m. to 12.00 noon till filing of the chargesheet;
- iii. Applicant shall not tamper with the evidence.
- iv. Anticipatory Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)

Sachidanand
Kuttan Nair

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Kuttan Nair
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