

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

ANTICIPATORY BAIL APPLICATION NO.1279 OF 2019

Sharad Haibati Talekar & Anr.

.... Applicants

versus

The State of Maharashtra

.... Respondent

- Mr. Mahindra B. Deshmukh, Advocate for the Applicants.
- Ms. S. S. Kaushik, APP for the State/Respondent.
- Mr. Madhukar K. Pawar, ASI, Shahuwadi Police Station present.

CORAM : SARANG V. KOTWAL, J.

DATE : 8th JULY, 2019

P.C. :

1. The applicants are seeking anticipatory bail in connection with C.R. No.158/2019 registered with Shahuwadi Police Station, Kolhapur under Sections 327, 354, 337 r/w. 34 of IPC.

2. The FIR is lodged on 28/4/2019 by one Sangita Talekar. She has stated in her FIR that there was procession in their village on 27/4/2019. When the procession was proceeding from the house of present applicant, at that time, present

applicants objected and there was some exchange of words and there was some quarrel. At that time, applicant No.1 came near the first informant and outraged her modesty. She has described the incident in detail as to how applicant No.1 misbehaved with her. Applicant No.1 also removed her mangalsutra and took it away with him. Applicant No.2 also outraged her modesty. Based on these allegations, the FIR is lodged.

3. Heard Mr. Deshmukh, Ld. Counsel for the applicants and Ms. Kaushik, Ld. APP for the State.

4. Mr. Deshmukh submitted that because of the enmity and because of previous dispute, false FIR is lodged against the applicants. He invited my attention to other offences registered at the instance of present applicant's group. Those offences were registered vide C.R. Nos.156/2019 and 157/2019 in respect of different incidents. Mr. Deshmukh submitted that the present offence is lodged as a counter blast to those offences.

5. As against this, Ms. Kaushik, submitted that an offence

is made out in the FIR. The first informant was treated badly and the allegations clearly made out a case under Section 354 of IPC.

6. Having considered submissions advanced by both the parties, it is clear that though there are other offences registered against the first informant's group, the fact remains that the FIR lodged against the present applicants clearly mentioned the offence in detail wherein the applicants had outraged the modesty of the first informant. Her golden chain was also taken away. The allegations also points out that golden chain of Sunita Talekar was also taken away. Hence, other Sections of IPC were also applied. In this view of the matter, no case of anticipatory bail is made out. The custodial interrogation of the applicants is necessary to recover the stolen articles. Since the offence is not minor, they do not deserve protection of anticipatory bail. Hence, the application is rejected.

(SARANG V. KOTWAL, J.)