

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

ANTICIPATORY BAIL APPLICATION NO. 491 OF 2019

Ajay Shirodkar	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

- Mr.Amit Munde i/b. Mr.Swapnil Chopde-Patil for the Applicant.
- Mr.S.R. Agarkar, APP for the Respondent-State.
- Mrs.Shabnam I. Mujawar, PSI Agripada Police Station.

CORAM : PRAKASH D. NAIK, J.

DATE : 26th FEBRUARY, 2019.

P.C. :

1] The Applicant has preferred this application for anticipatory bail in C.R. No.04 of 2019 registered with Agripada Police Station for the offence punishable under Sections 354(B), 323, 504, 509 read with 34 of the Indian Penal Code. The First Investigation Report was lodged on 4th January, 2019. It is alleged that on 1st January, 2019, the Applicant and the co-accused have passed lewd remarks against the complainant and outraged her modesty. The father of the complainant intervened. He was assaulted by fist and kick blows. The mother and sister of the complainant were also assaulted. The Applicant had also abused the complainant and others

in filthy language.

2] Learned counsel for the Applicant pointed out that the Applicant had lodged the First Information Report vide C.R. No. 3 of 2019 for the offence punishable under Sections 143, 147, 149, 323, 324, 326, 427, 504 of the Indian Penal Code. The complainant in C.R. No. 4 of 2019 and the witnesses therein are impleaded as accused in the First Information Report lodged by the Applicant. It is also pointed out that the incident of assaulting the Applicant had occurred on 1st January, 2019 and since the police did not take cognizance of the complaint, representation was made by the Applicant to the Commissioner of Police. It is also pointed out that on the basis of the complaint lodged by the Applicant N.C. Complaint was recorded on 1st January, 2019. The Applicant had suffered injuries on his head and was required to undergo six stitches. Learned APP submits that the father of the complainant in the present FIR had suffered injury. Learned APP further submits that the investigation in both the cases is in progress.

3] I have perused the documents on record. The Applicant had sustained injuries. Immediately after the incident, complaint was lodged by him and the same was treated as N.C. Complaint. In

pursuance to that, representations were made by the Applicant to the Higher Authorities and thereafter, on 4th January, 2019, the FIR was registered vide C.R. No. 3 of 2019. Apparently, in pursuance to that the FIR against the Applicant and the co-accused had been registered on 4th January, 2019 vide C.R. No. 4 of 2019.

4] On perusal of the FIR, it can be seen that no weapon was used in the alleged assault and the complainant and witnesses were assaulted allegedly by fist blows; whereas in FIR lodged by the Applicant, it is categorically stated that Applicant was assaulted by bamboo stick on his head. In this circumstances, custodial interrogation of the Applicant is not called for.

5] Hence, I pass following order:

:: O R D E R ::

- (i) Anticipatory Bail Application No.491 of 2019 is allowed.
- (ii) In the event of arrest of the Applicant in C.R. No. 04 of 2019 registered with Agripada Police Station, the Applicant be released on bail on his

furnishing the P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount.

- (iii) The Applicant shall report to the Investigating Officer on 1st March 2019, 4th March 2019 and 5th March 2019 between 11.00 am to 01.00 pm and thereafter, as and when called for till filing of the Charge-sheet.
- (iv) The Application is disposed of.

[PRAKASH D. NAIK, J.]