IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1214 OF 2019

Ananda Kundlik Wagh and Anr. ...Applicants
Vs.
State of Maharashtra ...Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO. 1215 OF 2019

Govind Shankar Bhor & Anr. ...Applicants
Vs.
State of Maharashtra ...Respondent

- Mr. Sanjay P. Shinde with Mr. Pratham Shirvale, Advocates for the Applicants in both ABAs.
- Mr. S.S. Kaushik, APP for the State in ABA 1214/19.
- Mr. Y. M. Nakhwa, APP for the State in ABA 1215/19.
- Mr. K. D. Dhamale Sandeep A. Patil, PSI, Yeola City Police Station, Nashik.

CORAM : SARANG V. KOTWAL, J.
DATE : 22nd JULY, 2019

P.C. :

1. Both these applications are arise out of the same offence and therefore, they are decided by this common order.

2. The applicants are seeking anticipatory bail in connection with CR No. 420/18 registered at Narayangaon Police Station,

Dist. Pune for the offences under Sections 143, 147, 148, 149, 354, 452, 324, 323, 504, 506 and 427 of the IPC.

3. The FIR in this case is lodged by one Sujata Waman. She has stated in her FIR that she was residing with her husband and son. Her son was married to one Gauri Bhor in the year 2017. In February 2018, Gauri delivered a girl child. Some dispute arose because the naming ceremony of the child could not be performed according to wishes of Gauri's parents. Gauri got angry and did not come to reside with first informant and her son Parag. It appears that there was some dispute between two families.

4. On 1st December 2018, at around 12.00 p.m., the informant and her son Parag were in the house. Informant's husband Jagdish had gone out. At that time, Gauri, her father, applicant Govind, her mother Sangita, applicant Akshay, applicant Ananta and applicant Ramdas, who was Gauri's cousin entered their house with wooden sticks and started abusing the informant and her son. They broke the window panes. When the informant tried to stop them, they abused her and touched her inappropriately causing outraging of her modesty. Parag was also assaulted. He informed

the informant's husband as well as police. Informant's husband came home. He was also assaulted. After some time, police came there. Police tried to pacify both parties, but accused/applicants abused the police. Thereafter, the injured were sent for treatment. Based on these allegations the FIR was lodged.

5. Heard, Mr. Shinde with Mr. Shirvale, learned counsel for the applicants and Ms. Kaushik and Mr. Nakhwas, learned APPs for the State.

6. Learned counsel for the applicants submitted that the incident is not very serious. Custodial interrogation of the applicants is not necessary.

7. Perusal of FIR shows that there was matrimonial dispute between informant's son Parag and his wife Gauri. Gauri's family was angry with informant's family and therefore, this incident has taken place. In the incident some window panes were broken. The informant,her husband and her son were assaulted. I have perused the injury certificate. Informant and her husband have suffered abrasions. Parag had suffered blunt trauma on his chest and right hand. All these injuries were described as simple injuries. Besides

these injuries, window panes were broken. The allegations did not show that anybody had suffered any serious injury or damage was very serious. The prosecution case cannot go beyond what is described in the FIR. Specific role is not attributed to any particular applicant. There are general allegations that all of them assaulted and caused damaged.

8. Learned APP on instructions makes a statement that police did not want custody of the accused. The applicants have attended the police station and have co-operated with the investigation. In this view of the matter,there is no need of custodial interrogation. Hence, the following order:-

ORDER

(i) In the event of their arrest in connection with C.R. No.420/18 registered at Narayangaon Police Station, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.

(ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)