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IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.885 OF 2020

Sajid s/o Usman Pathan ... APPLICANT

VERSUS

The State of Maharashtra ... RESPONDENT

.....
Shri V.D. Sapkal, Senior Counsel instructed by
Shri A.B. Jagtap, Advocate for applicant
Shri S.P. Tiwari, A.P.P. for State
.....

**CORAM: R.G. AVACHAT, J.
(Vacation Court)**

DATED : 12th NOVEMBER, 2020.

PER COURT :

This is an application for anticipatory bail. The applicant claims to have apprehension of his arrest in connection with Crime No.I-138/2020, registered with Shani Shingnapur Police Station, Taluka Newasa, District Ahmednagar for the offence punishable under Sections 354(A), 452, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and Sections 7 and 8 of the Protection of Children from Sexual Offences Act.

2. The First Information Report (F.I.R.) has been lodged on 5/9/2020. It is alleged therein that, the informant resides as

a tenant in a premises owned by the applicant. Informant's minor daughter stays with her. 15 days before registration of the present F.I.R., the informant had lodged F.I.R. against the applicant and his associates since they had misbehaved with the informant. The applicant is alleged to have been pressurising the informant to take back that complaint. The applicant cut-off the electricity supply of the premises the informant stays in.

3. On 4/9/2020, the informant and her daughter were home. By 4.30 p.m., the applicant, his brother Jamil and their 20 associates came her home. The applicant abused the informant. He insisted her to take back the complaint lodged by her against him. The applicant threatened her to evict from the premises. With an intention to outrage her modesty, the applicant tore off top on the person of the informant. The informant's minor daughter was also manhandled with a view to outrage her modesty. The daughter was assaulted with a screw-driver like article. The lot of damage was caused to the household articles.

4. Again on 5/9/2020 at 9.00 in the morning, the applicant along with about 20 persons came informant's house. They gave threat of eliminating her. The F.I.R., therefore, came to be registered.

5. The learned A.P.P. would submit that, the informant is a helpless woman. Her husband does not stay with her. Her minor daughter is with her. The applicant and his associates time and again trouble the informant with a view to evict her from tenanted premises. The applicant outraged modesty of the informant and even of her minor daughter. The daughter was assaulted with a screw-driver like article. He, therefore, urged for rejection of the application.

6. Shri Sapkal, learned Senior Advocate appearing for the applicant would, on the other hand, submit that the informant is a quarrelsome lady. She is of not good behaviour. The informant has lodged a number of complaints/ F.I.Rs. against the applicant and number of other persons. She is in habit of lodging false complaints. Learned Senior Advocate adverted my attention to some of the documents produced in support of the application to contend that, even learned Sessions Judge has observed that the informant lodged a false complaint of rape. According to learned Senior Advocate, no incidence as alleged ever took place. He, therefore, urged for grant of application.

7. The informant is a 30 year old lady. Her minor daughter stays with her in a premises belonging to the applicant. Without making much observations about behaviour of the

informant, suffice it to say that there is ample record to suggest the informant to be a quarrelsome lady. She is not keeping good behaviour. The informant has lodged many a F.I.Rs. against different persons. Against 2 – 3 persons, she lodged police reports, alleging to have been raped on different occasions. The persons against whom those complaints have been lodged, have been honourably acquitted. Since the material on record puts in doubt the veracity of the allegations in the F.I.R., I am inclined to grant the applicant anticipatory bail. Hence the order :-

ORDER

- (i) The application is allowed. In the event of arrest of the applicant in connection with Crime No.I-138/2020, registered with Shani Shingnapur Police Station, Taluka Newasa, District Ahmednagar for the offence punishable under Sections 354(A), 452, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and Sections 7 and 8 of the Protection of Children from Sexual Offences Act, he shall be released on bail on his furnishing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.
- (ii) The applicant shall appear before the investigating officer as and when required for investigation purpose.

(R.G. AVACHAT, J.)