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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.842 OF 2020

Usha Ramchandra Gaikwad .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr.Ashok Mundargi-Senior Advocate a/w Mr.Viresh Purwant
and Kuldeep U. Nikam for the Applicant.

Mr.P.H.Gaikwad, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 8th DECEMBER, 2020

P.C:-

1. The applicant is apprehending her arrest in C.R.No.888 of 2020 registered on 12th November, 2020 with Satara City Police Station on a complaint lodged by one Savita Phule. Sections 323, 392, 504, 506 read with 34 of IPC have been invoked and apart from the applicant, five other members of the applicant's family are indicted.

2. Pertinent to note that another FIR came to be registered with the same police station on 9th November, 2020 and this is by the present applicant thereby indicting one Balkrishna Phule and Mrs.Phule (Savita Phule), who is the complainant in C.R.No.888 of 2020. FIR No.886 of 2020 refer to an incident

dated 7th November, 2020 and it also invoke the relevant provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act.

3. With the assistance of the learned senior counsel Mr.Mundargi and learned APP Mr.Gaikwad, I have carefully perused both the FIRs. There is also one NC registered with the same police station on 6th November, 2020 invoking Sections 323, 504, 506 read with 34 of IPC at the instance of the applicant's family i.e. by Ramchandra Baburao Gaikwad-father of the applicant against the Phule family.

4. The two FIRs alongwith the NC being read together depict the situation of consternation during the pandemic and as to how the public at large felt rattled and threatened by the presence of their neighbours and particularly, when the neighbours were attending some duties to control the pandemic or where the near relatives or family members had returned from another City/District/State, the neighbours expected the discipline of quarantine to be followed.

The two FIRs, which in great details give the narration and contain counter allegations against the two families i.e. the family of the applicant on one hand and the Phule family on the other hand, is nothing but an outcome of trepidation felt by one and everyone during the pandemic. Several allegations are levelled but the crux of both the cross complaints is reflection of the apprehension of the complainants that they would be

infected and aimed at keeping their respective families safe.

5. The incident narrated by both the complainants invoke Section 392 of IPC when it is alleged that during the scuffle and the brawl, which took place between the two families, there was some alleged incident of snatching of the chain/mangalsutra. Since the FIR itself clearly spell out the situation and the applicant and the complainant are the neighbours residing in the adjacent Row Houses, taking into account the allegations levelled, I do not think that custodial interrogation of the applicant is necessary. It is expected that the applicant would co-operate with the investigation by reporting to the police station.

6. Thankfully, the situation which resulted into filing of the cross complaints in the month of November 2020 has now attenuated and after the phase of Unlock 6, the State has slowly and steadily unlocked most of the activities and eased the curbs imposed. Resultantly both, the applicant and the complainant's family who are at loggerheads would be at peace and free of the enigma revolving around pandemic and they start living as neighbours with cordial relationship.

: **ORDER** :

(a) Application is allowed.

(b) In the event of arrest in C.R.No.888 of 2020 registered at Satara City Police Station, applicant-Usha Ramchandra Gaikwad

shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

(c) The applicant shall attend the police station as and when called for by the Investigating Officer.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

7. The application stands disposed of in the aforestated terms.

SMT. BHARATI DANGRE, J