

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

**ANTICIPATORY BAIL APPLICATION NO. 553 OF 2021**

- 1) Purushottam s/o Kamlakar Kulkarni,  
Age 64 years, Occupation Nil.  
R/o. Vangaon, Tq. Soygaon,  
District Aurangabad.
- 2) Sandhyabai w/o Purshottam Kulkarni,  
Age 54 years, Occupation Agriculture.
- 3) Archana d/o Purshottam Kulkarni,  
Age 20 years, Occupation Education.
- 4) Atul s/o Purshottam Kulkarni,  
Age 25 years, Occupation Education.  
R/o. All as above. ... **Applicants.**

VERSUS

The State of Maharashtra.  
Through Soygaon Police Station,  
District Aurangabad. ... **Respondent.**

...

Advocate for the Applicant : Mr. Sachin S. Shinde.  
APP for the Respondent/State : Mr. S. B. Narwade.

**CORAM** : **MANGESH S. PATIL, J.**

**DATE** : **01.07.2021.**

**PER COURT :**

This is an application under Section 438 of the Code of Criminal Procedure seeking bail in the event of applicants' arrest in connection with Crime No. 36/2021, registered with Soygaon Police Station, District Aurangabad, for the offences punishable under Section 452, 354, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. The allegations in the F.I.R. lodged by a married woman aged 30 years

are to the effect that the applicants are her neighbours. The applicant No. 2 is stated to have taunted her by asserting that she was invited for a ceremony by one Koli but they had not invited her i.e. informant. Words were exchanged between the two women. After some time the rest of the applicants arrived there. They entered into her house. Dragged her out of the house and assaulted her with kicks and fists. It is alleged that the applicant No. 1 molested her. The F.I.R. was lodged and the offence is registered.

3. I have heard the learned advocate for the applicants as also the learned A.P.P. and perused the papers of investigation.

4. As can be appreciated, the non-bailable offences being levelled against the applicants are under Section 354 and 452 of the Indian Penal Code. Accepting the allegations in the F.I.R. at their face value, the incident seems to have occurred pursuant to some verbal exchange. Though the applicants are stated to have assaulted the informant and there are statements of some witnesses supporting those allegations, the informant is stated to have suffered couple of simple injuries.

5. Again, though the informant now alleges about molestation, she only alleges that it was the applicant No. 1 who had caught hold her hands with intention to molest her. However, in her statement under Section 164 of the Code of Criminal Procedure, the informant has not even uttered about such molestation much less with some intention attributable to him. For that matter even the witness whose statement has also been recorded under Section 164 of the Code of Criminal Procedure stated to be an eye witness namely Pushpabai has not whispered any such act of molestation by the applicant No. 1.

6. Apart from the above state of affairs, the papers reveal that the F.I.R. has been lodged by the applicant No. 2 which is first in point of time bearing Crime No. 35/2021 against the informant, her husband and other family

members alleging about outraging of modesty in respect of an incident which is stated to have occurred around the same time.

7. Considering the above state of affairs, in my view the application deserves to be allowed.

8. The Application is allowed. The ad interim relief granted by the order dated 01.06.2021 has been confirmed with the same terms and conditions with a clarification that the condition regarding attendance shall cease on filing of the charge-sheet/final report.

**(MANGESH S. PATIL, J.)**

mkd/-