

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

ANTICIPATORY BAIL APPLICATION NO.1189 OF 2021

**GORAKSHNATH PANDURANG RALEBHAT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicants : Mr. Karpe Rahul R.
APP for Respondent – State : Mr. A. S. Shinde
...

CORAM : PRAKASH D. NAIK, J.

DATE : 26th OCTOBER, 2021

PER COURT :

1. The applicants are apprehending arrest in Crime No.130 of 2021, registered with Amalner Police Station, District Beed, dated 15-06-2021, for offences punishable under Sections 354, 327, 324, 323, 504, 506 read with 34 of the I.P.C.

2. The complaint is lodged by Gangubai Shivaji Shinde. It is alleged that on 13-06-2021 the complainant and others were present at the landed property viz. Gut No.204 at about 02:00 p.m. The applicants/accused came to the spot of incident. They questioned the complainant about their presence and stated that they have purchased the agricultural land. They were abused. The applicant Nos. 1 and 3 caught hold her hand and while she was trying to get herself released the accused caught her neck and tried to outrage her modesty. The relatives of the complainant

intervened. The applicant Nos. 2 and 4 assaulted them by using wire and wet stick. They also tried to outrage modesty of complainant's sister-in-law. On hearing commotions and shouts the complainant's son and others came to the spot. They tried to video record the incident. Accused snatched their cell phones and assaulted them. The complainant and others left the spot and they were treated for the injuries sustained by them in the hospital.

3. Learned advocate for the applicants submitted that the allegations in the FIR are concocted. The complaint has been registered on account of dispute between both the sides. The allegations of outraging modesty are imaginary. The allegations of assault are vague. Applicant No.1 had lodged N.C. complaint with the police on 13-06-2021 which was recorded as NCR under Section 504, 506 read with 34 of the I.P.C. In the said complaint it was stated that Shivaji Shinde, Laxman Shinde, Gangubai Shinde and Rekha Shinde approached him and questioned him about the agricultural field. He was abused and threatened immediately after the complaint was lodged. Custodial interrogation of the complainants is not necessary.

4. Learned APP submitted that specific role has been attributed to the applicants. The injured persons have sustained injuries. The injuries are of simple nature and in the nature of

contusion.

5. Interim relief was granted to the applicants vide order dated 08-10-2021. Applicants were directed to appear before the investigating officer as and when called for. Apparently there is dispute between two sides, in relation to the property. Immediately after the incident, applicant No.1 had approached the police. However, cognizable offence was not registered and in the alternative N.C. was registered. The complainant had alleged that the accused had tried to outrage her modesty. The allegations are vague. It is alleged that the accused had caught hold of the complainant. However, the FIR does not spell out any act committed by the accused with sexual intent.

6. In the light of the aforesaid facts, the custodial interrogation of the applicants is not necessary.

ORDER

- (i) Anticipatory Bail Application No.1189 of 2021 is allowed.
- (ii) Interim relief dated 08-10-2021 is confirmed.
- (iii) In the event of arrest of the applicants in Crime No.130 of 2021 registered with Amalner Police Station, District Beed, they be released on bail on executing P.R. bond in the sum of Rs.25,000/- each, with one or more sureties

in the like amount.

- (iv) The applicants shall appear before the investigating officer on 09-11-2021, 10-11-2021, 11-11-2021 between 11:00 a.m. to 01:00 p.m. and thereafter as and when called for, till the filing of the charge-sheet.
- (v) The application stands disposed of.

(PRAKASH D. NAIK, J.)