

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO. 2265 OF 2019**

1. Mangesh Pramod Awale  
2. Lakhan Vasant Pawar  
3. Navnath Tukaram Pawar  
4. Rohit Sanotsh Adagale

.... Applicants

Versus

The State of Maharashtra

.... Respondent

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Mr.Ghanasham S. Jadhav, for the applicant.  
Smt. J.S. Lohokare, APP for the State/Respondent.

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**CORAM :SARANG V. KOTWAL, J.  
DATE :16<sup>th</sup> FEBRUARY 2021**

**P.C. :**

1. The Applicant is seeking Anticipatory Bail in connection with C.R. No. I-258/2019, registered at Phaltan Police Station, under Sections 354-B, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

2. The complaint is made by the victim herself. The allegations in the FIR are that on 5/8/2019, at about 9.15 p.m. the informant was standing in front of her house. At that time all the applicants and 22 to 25 others

were dancing on the stage in some function. The accused Sanjay Gaikwad was looking at her and was making gesture towards her. He came near her and caught her hand. At that time, applicants Mangesh Awale, Lakhan Pawar, Navnath Pawar and Rohit Adagale came there and tried to disrobe her, pressed her chest and physically touched her indecently. The applicants assaulted her. Her cousins came there and rescued her. At that time, applicants/accused assaulted her cousin with bat and wooden logs.

3. Heard Mr. Ghanasham Jadhav, learned Counsel for the applicants and Smt. J.S. Lohokare, learned APP for the State.

4. Learned Counsel for the applicants submitted that applicant Mangesh himself had lodged FIR at around 3.00 a.m. on 6/8/2019 at the same Police Station vide C.R. No. 257/2019 under Sections 143, 147, 148, 149, 323, 504, 526 of the Indian Penal Code and under Section 3(2) (va), 3(1)(r) and 3(1)(s) of the Scheduled Caste and

Scheduled Tribes (Prevention of Atrocity) Act, 1989. He submitted that the FIR shows that the applicants were assaulted. According to learned Counsel for the applicant the FIR against the present applicants is lodged as a counter blast to the earlier FIR lodged by the applicant Mangesh. The FIR against the present applicants is false.

5. Learned APP submitted that the applicant Mangesh has lodged FIR earlier. She relied on the averments in the FIR against the present applicants. Learned APP on instructions has submitted that applicants have attended the concerned Police Station as was directed.

6. I have considered these submissions. The FIR against the present applicants was lodged at 7.20 p.m. on 6/8/2019. The incident had allegedly taken place on the previous night at about 9.30 p.m. In this case this delay assumes certain importance. The applicant Mangesh himself had lodged his FIR at about 3.00 a.m. in the night. There is a strong possibility that the applicants

were implicated in this FIR as a counter blast to the allegations made against the informant's group.

7. The applicants were protected by way of interim protection vide order dated 16/10/2019. There are no allegations of any other offence having taken place attributable to the present applicants. They have attended the police station as directed. In this background, applicants deserve to be granted final order of anticipatory bail. At the same time, at the request of learned APP, the applicants are directed to attend the concerned Police station.

8. Hence the following order.

### **ORDER**

- (i) In the event of their arrest in connection with C.R. No. I-258 of 2019 registered with Phaltan Police Station, District Satara, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The applicants shall attend the concerned Police

Station on 2<sup>nd</sup> , 3<sup>rd</sup> , 4<sup>th</sup> March 2021 between 1.00 p.m to 5.00 p.m. In addition, they shall attend the concerned Police Station as and when called and shall co-operate with the investigation.

- (ii) The Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**