

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

ANTICIPATORY BAIL APPLICATION NO. 743 OF 2021

Ashitosh Keshav Navghane Applicant

Versus

The State of Maharashtra Respondent

Mr. Shashikant M. Sansare, for the applicant.
Smt. A.A. Takalkar, APP for the State/Respondent.

**CORAM :SARANG V. KOTWAL, J.
DATE :24th MARCH, 2021**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.36 of 2021 registered at Rajgad Police Station, Pune Rural, on 01/02/2021 under sections 354-D, 324, 323 read with Section 34 of the Indian Penal Code and under Section 12 of Protection of Children from Sexual Offence Act, 2012.

2. Heard Mr. Shashikant Sansare, earned counsel for the applicant and Smt. A.A. Takalkar, learned APP for the State.

3. The FIR is lodged by the victim herself who is 17 years of age. She has stated that she was studying in 11th Standard. The applicant was knowing her and he was on visiting terms to her house as the applicant's mother was treated like a sister by the victim's father. The applicant used to try to get friendly with the victim. There are allegations in the FIR that 8 to 10 days prior to the incident, the applicant had approached her on his motor cycle and had offered her to give a ride. But the victim had refused. The victim told about this incident to her parents. Thereafter the applicant's mother was told about this incident. She assured the victim's family that the applicant would not repeat that. On 1/2/2020, at about 2.00 p.m., again the applicant made some obscene gestures looking at her. The victim's uncle Kiran Jadhav saw this. He questioned the applicant. He called the applicant below the building but the applicant refused. The victim's uncle Kiran went to the house of the present applicant. The applicant threw a stone at him. The victim's family came there. They separated the fight. In the meantime, the victim had gone back to

her house At about 4.00 p.m. the applicant and his family members came to the victim's house and started quarreling with victim's family. At that time the applicant and his family assaulted victim's family. On this basis the FIR is lodged.

4. Learned Counsel for the applicant submitted that the applicant's brother had lodged C.R. No. 38 of 2021 at the same Police Station for commission of offence punishable under section 143, 147, 148, 149, 327, 324, 323 , 504, 506 of the Indian Penal Code, regarding the incident which had taken place in the applicant's house. In that incident the applicant was brutally assaulted.

5. He submitted that the victim has not referred to the injuries suffered by the applicant. Therefore the allegations in the FIR are not completely true. He further submitted that the applicant is 21 years of age and therefore leniency should be shown to him.

6. Learned APP opposed this application. She produced the medical certificates in respect of the injuries suffered by the victim's family. In particular, the victim's uncle Kiran had suffered a fracture and therefore learned APP submitted that now the investigating agency is intending to apply section 326 of the I.P.C. in the present case. At the same time, learned APP fairly submitted investigating papers in respect of C.R. No. 38 of 2021 show that the applicant himself had suffered injuries.

7. I have considered these submissions. As far as the present C.R. against the present applicant is concerned, there are four injured who had suffered injuries at the hands of applicant's family. They are Anil Bhoite, Santosh Bhoite, Kiran Jadhav and Kavita Bhoite. All of them except Kiran have suffered simple injuries in the nature of trauma, scratches or swelling. Kiran has suffered rib fracture. As against this, in the FIR lodged by the applicant's brother, i.e. C.R. No. 38/2021, there are four injured namely the applicant, his brother Rishikesh, mother Shilpa and father Keshav. All of them suffered traumatic injuries. As far as

the applicant is concerned, he has suffered multiple injuries all over body. His right hand could not be lifted.

8. These injuries do indicate that there was fight between two families. The applicant has suffered many injuries and he was unable to lift his hand. There are allegations that the applicant had thrown a stone at Kiran causing fracture. But here again Kiran himself had entered the applicant's house when the incident of assault by stone had taken place. It appears that the victim's uncle Kiran was the aggressor. In this view of the matter, the allegations in the FIR against the present applicant do not appear to be completely true. They appear to be exaggerated. There is no reference to the injuries suffered by the applicant and his family. Considering all this background and also looking to the young age of the applicant, his custodial interrogation is not necessary. He will have to attend the concerned police station and will have to co-operate with the investigation.

9. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No. 36 of 2021 registered with Rajgad Police Station, Pune, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)