

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

ANTICIPATORY BAIL APPLICATION NO.753 OF 2021

1. Mayur Nandkumar Avaghade
2. Pintu @ Santosh Gopal Avaghade Applicants

versus

State of Maharashtra Respondent

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- Mr.Mahendra V. Kawchale, Advocate for Applicant.
- Smt.J. S. Lohokare, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 22nd MARCH, 2021

P.C. :

1. Leave to amend, to delete name of Respondent No.2, is granted. Amendment to be granted forthwith.

2. The Applicants are seeking anticipatory bail in connection with C.R.No.41/2021 registered with Borgaon Police Station, Satara on 25/02/2021, under sections 395, 354, 447, 324, 323, 504, 506, 510 of the Indian Penal Code.

3. The FIR is lodged by one Mahesh Hindurao Jadhav. He has stated that the informant is cultivating 84 Gunthas of land at Bhatmarali. It was belonging to one Prakash Shankar Gaikwad. On 23/02/2021 when he was present in the land along with his workers, both the Applicants and six others came there. The Applicant Mayur was under influence of liquor. The Applicant Pintu was having a wooden stick. They interfered with the informant's work. It is alleged in the FIR that the Applicant Mayur behaved indecently with one of the lady workers. He touched her inappropriately and forced her out of the field. When the informant tried to intervene, the Applicant Mayur beat him with hands. He also threw a stone at the informant's father causing injury to his thumb. The Applicant Pintu assaulted the informant with wooden stick. It is alleged that the Applicant Mayur removed golden chain of the first informant's father. On this basis, FIR is lodged.
4. Heard Mr.Mahendra V. Kawchale, learned counsel for the Applicant and Smt.J. S. Lohokare, learned APP for the State.

5. Learned counsel for the Applicants submitted that there was a long standing dispute about the same piece of land and the Applicants' family had won all the legal battles. He submitted that the informant had nothing to do with the land and he was acting at the behest of the persons who wanted to interfere with the possession of the land belonging to the Applicants' family.
6. Learned APP opposed this application. She produced investigation papers before me. She submitted that the statement of victim is recorded u/s 164 of Cr.PC., wherein she has described how her modesty was outraged.
7. I have considered these submissions. Investigation papers contain medical certificates of the informant and his father. Both of them have suffered simple injuries. But the presence of these injuries, does show that the incident had taken place. As far as the Applicant Pintu is concerned, he is given role

of assaulting the informant and his father. But considering injuries suffered, it does not appear to be serious offence. However, as far as the Applicant Mayur is concerned, he has touched a lady worker inappropriately and had used criminal force. It would certainly amount to offence u/s 354 of IPC. The victim had given her statement u/s 164 of Cr.P.C. where she has described that the Applicant Mayur had touched her inappropriately and forced her to go out of that land.

8. Considering this part of allegations, I am not inclined to protect the Applicant Mayur with an order of anticipatory bail.

9. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.41/2021 registered with Borgaon Police Station, Satara, the Applicant No.2 Pintu @

Santosh Gopal Avaghade 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 application on behalf of Applicant No.1 Mayur Nandkumar Avaghade is rejected.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)