

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1623 OF 2021

1. Maruti Kantappa Vhankhande
2. Datta @ Shridatta Kantappa Vhankhande .. Applicants

Vs.

The State of Maharashtra .. Respondent

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Mr. Kuldeep Patil i/b Ms. Saili N. Dhuru for the Applicants.

Mr. Y.M. Nakhava, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 15TH JULY, 2021.

P.C:-

1. The Applicants are apprehending their arrest in C.R. No.126 of 2021 registered with Umadi Police Station, District Sangli for offences punishable under Sections 354, 354(B), 341, 323, 504, 506 read with Section 34 of the IPC.

2. The complaint is filed by one Dhondakka Raghvendra Whanmore, on 12/06/2021. It is alleged in the said complaint that the agricultural land of the Complainant and the Applicant is

adjacent to each other and, there is a common pathway shared by them. It is alleged that the relationship between the Applicants and Complainant was strained on account of the usage of the said pathway. It is alleged that on 12/06/2021, at around 3.00 p.m., when the Complainant was grazing her sheeps in her field, the Applicants approached the Complainant and questioned her about the usage of the pathway and they instructed her to call her husband so that they can question him on the said aspect. When she said that she cannot call her husband because there is no balance on her mobile phone, it is alleged that Applicant No.1 rushed towards her and pulled her apparel, the gown, which she was wearing and attempted to outrage her modesty. On the gown being pulled, the tucking of the gown came out along with its buttons. On the said allegation, Sections 354 and 354(B) of the IPC have been invoked. Further narration of the complaint is that when she started proceeding towards her house, she was assaulted by Applicant No.2 by means of a stick in his hand and he also threatened her with dire consequences. This prompted the Authorities to invoke Sections 323 and 341 of the IPC.

3. When learned A.P.P. is asked about the injury certificate of the Complainant, he on basis of the telephonic instructions from the concerned officer, states that there is no injury certificate.

4. On perusal of the allegations levelled, it can be seen that the Complainant and the Applicants are at loggerheads on

account of usage of common pathway. The allegations levelled are about outraging the modesty of the Complainant and Section 354(B) of the IPC has been invoked for the alleged assault or use of criminal force upon the Complainant with an intention of disrobing her. Looking to the nature of the allegations and the strained relationship between the parties, in my opinion, the custodial interrogation of the Applicants is not warranted but they must co-operate with the investigation by reporting to the Investigating Officer till the investigation is concluded. Hence, the following order:

: ORDER :

- (a) In the event of arrest, the Applicants – (1) Maruti Kantappa Vhankhande and (2) Datta @ Shridatta Kantappa Vhankhande, shall be released on bail in C.R. No.126 of 2021 registered with Umadi Police Station, District Sangli, on executing P.R. bond to the extent of Rs.20,000/- each and furnishing one or two sureties of the like amount.
- (b) The Applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.

(c) The Applicants shall report to the Umadi Police Station, Dist. Sangli, on every Monday and Friday between 10.00 a.m. 1.00 p.m. for four weeks and, thereafter, as and when called by the Investigating Officer.

5. The Application is allowed in the aforestated terms.

6. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]