

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

914 ANTICIPATORY BAIL APPLICATION
NO.761 OF 2022

1. Sharad Rangnath Kakde
2. Satish Dattatray Gangarde .. Applicants

Versus

The State of Maharashtra .. Respondent

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Advocate for Applicants : Mr. Rahul R. Karpe
APP for Respondent / State : Mr. A.A. Jagatkar

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CORAM : S. G. MEHARE, J.
DATE : JULY 15, 2022

PER COURT :

1. Heard the learned Counsel for the applicants and the learned APP for the State.
2. It has been alleged against the applicants that in the quarrel between two parties, the complainant was fell down and the applicants have touched the breast of the complainant and pulled her blouse.
3. The learned Counsel for the applicants would argue that in a free fight there is no possibility of outraging the modesty. However, to make the offence serious false allegation of outraging the modesty has been levelled against the applicants. Hence, they may be released on anticipatory bail.

4. The learned APP would submit that the offence is serious and the modesty of a woman has been outraged. Therefore, the custodial interrogation is required.

5. This Court has gone through the facts of the case and allegations levelled against the applicants. It is not in dispute that there was a free fight between two families and the incident happened after the exchange of hot words. Both have also filed counter reports against each other. So called weapons have already been seized by the police from the spot of incident. Considering the facts in this case and the recovery of weapons, this Court is of the view that no purpose would be served if the custodial interrogation of the applicants is allowed. Hence the following order:

(i) Application is allowed.

(ii) Interim protection granted to the applicants namely Sharad Rangnath Kakde and Satish Dattatray Gangarde by order dated 28.06.2022 is confirmed on the same terms and conditions with additional condition to attend the concerned Police Station as and when called by the Investigating Officer on written notice.

- (iii) The applicants should take care that such type of the incident should not be repeated.

[S. G. MEHARE]
JUDGE

GGP