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

23 ANTICIPATORY BAIL APPLICATION NO.783 OF 2022

**NAVNATH BHAGWAT GAME
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. Rahul A. Tambe, Advocate for applicant;
Mrs. V.S. Choudhari, A.P.P. for respondents

CORAM : S. G. MEHARE, J.

DATE : 18th July, 2022

PC.

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondents.

2. This Court has recorded the facts in the order dated 24.6.2022. The learned counsel for the applicant would refer to certain reports against the complainant and her family and also referred to the copy of the plaint filed against the father of the complainant. He would argue that repeatedly the N.C. reports have been registered against the father of the complainant and her family members. Since there was a quarrel and their relations were inimical, only to counter the earlier reports and a civil suit, false allegations have been leveled against the applicant. The complainant has crossed her limit of making allegations. He would point out that no weapon has been

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allegedly used by the applicant. It is also stated that the custodial interrogation of the applicant is not required. Hence, the applicant may be released on bail.

3. Per contra, the learned A.P.P. would vehemently argue that the offence is serious. The complainant has suffered blunt trauma. Though the injuries are simple, the offence is grievous. There are eye-witnesses to the incident. The applicant continuously follows the complainant and tortured her mentally. The complainant has an apprehension of danger to her life at the hands of the applicant. Hence, he may not be released on anticipatory bail.

4. The first information report reveals that a quarrel happened in front of the house of the victim and she has alleged that the applicant caught hold her and hugged her. At the same time, there is material before the Court that time to time N.Cs. were registered against the complainant and her relatives. The suit filed by the present applicant is also pending in which the father of the applicant is a party. So far as the prosecution case is concerned, the prosecution has no ground as prescribed under Section 41 of the Code of Criminal Procedure for arrest and custodial interrogation. However, it appears that the allegations have been made against the applicant that he is

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consistently following the complainant. Therefore, she has an apprehension of danger to her life. Such an apprehension may be guarded by imposing certain conditions. Considering the facts of the case, the applicant is entitled to the anticipatory bail. Hence, the following order:-

- i) The application is allowed.
- ii) The interim protection granted to the applicant by order dated 24.6.2022 is confirmed on the same terms and conditions of bail. However, to protect the apprehension of the victim, the applicant is directed to remain out of the village Kelwad, Taluka Rahata, District Ahmednagar for one month from today and shall not tamper with the prosecution case.

(S. G. MEHARE, J.)

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