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

920 ANTICIPATORY BAIL APPLICATION NO.838 OF 2022

1. Vishnu Satva Soundarmal
2. Sunil Vishnu Soundarmal
3. Rambhau Nagorao Pandit .. Applicants

Versus

The State of Maharashtra .. Respondent

Mr. M. B. Sandanshiv, Advocate for applicants;
Mr. V. M. Kagne, A.PP for respondent

CORAM : S. G. MEHARE, J.

DATE : 20th July, 2022

PC.

1. Heard the learned counsel for the applicants and the learned APP for the respondent/State.

2. The learned counsel for the applicants would submit that a day before the incident, a report against the husband of the first informant was lodged by the daughter of the applicant No.1 about outraging her modesty at the lonely place. The offence was registered against the husband of the first informant. Therefore, to counter the said report, present false report is lodged. He has vehemently argued that the false allegations of snatching golden ornaments have been

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leveled against the applicants. They have committed no offence as alleged. The incident allegedly happened at 1.00 a.m. and the report is lodged at 8.00 p.m. Therefore, there is every possibility of a cooking false story to save the husband of the first informant from the offence registered against him. It is quite impossible to press the breast of a woman in the presence of the wives of the applicants. Therefore, the applicants may be released on bail.

3. The learned A.P.P. has vehemently argued that the applicants went to the house of the first informant next day after lodging of the report against her husband. They forcefully entered into the house and asked her where her husband was. Thereafter, they pulled the victim and felled her down and sat on her chest and started pressing her breast. Then, her father-in-law and daughter came there. They started separating the quarrel. That time, the applicants Sunil, Vishnu and Rambhau snatched the golden ornaments worth 23 grams from her person. These ornaments are required to be recovered from the applicants. The applicants were aggressive. They have committed the offence going to the house of the first informant. Therefore, the application deserves to be dismissed.

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4. It must be noted here that, in most of the cases in this region, there are counter reports. Wherever a report is lodged by a lady, a common allegation of snatching ornaments, particularly, *mangalsutra* are seen. This seems to be a *modus operandi* of the people residing in this area. They might have been advised by some one who is working in this field. Considering the repeated similar type of allegations, such allegations are now falling under the shadow of doubt. In the case at hand, it is alleged that the wives of the applicants were with them. In their presence, pressing breast of a woman seems not natural. Considering the entire facts of the case, this Court is doubtful whether really the breast of the first informant was pressed by the male applicants and they snatched the golden ornaments. The fact cannot be ignored that a day before the alleged incident, a crime of outraging the modesty was registered on the complaint of the daughter of the applicant no.1. So, the possibility of making serious allegations as discussed above may be possible. In the circumstances, the Court may draw inference.

5. As discussed above and considering the facts, this Court has doubt about the genuineness of the allegations. Hence, this Court is inclined to grant anticipatory bail to the applicant. Therefore, the following order:-

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- i) The application is allowed.
- ii) The interim protection granted to the applicants is confirmed as per the order dated 11.7.2022 on the same terms and conditions.

6. Needless to state, these observations are *prima facie* restricted to the bail application only.

(S. G. MEHARE, J.)

amj