

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1416 of 2022

Vishwas Laxman Desai .. Applicant
Versus
State of Maharashtra .. Respondent
...

Ms.Vilasini B. with Mr. Jaydeep Mane for the applicant.
Mr.S.V. Gavand, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 26th MAY, 2022
(Vacation Court)

P.C:-

1 An incident which took place on 31/3/2022 resulted into two cross FIRs; the first being registered at the instance of the present applicant being C.R.No. 197/2022 invoking Section 3(1)(r), 3(1)(s) and 3(2)(v-a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, and Section 323, 504, 506 read with Section 34 of the IPC. The said FIR filed by one Subodh Desai, refer to an incident which took place around 5.00 p.m, when the complainant was walking across his field and he was abused by referring to his caste and was assaulted by three accused persons i.e. belonging to Birajdar family who have been arraigned as accused. The FIR specifically

state that there was a previous enmity between the two families and in order to revenge the same, the incident had taken place. The very same incident resulted in registration of C.R.No.0198/2022, the complainant being one Sujata Birajdar. In her complaint, even she refers to the long drawn enmity between the two families and as regards the incident dated 31/3/2022, she state that when she had gone into the field to answer the nature's call, at that time, the one Sudhakar caught her from behind and uttered objectionable language and behaved in an objectionable manner. However, she was rescued when the other members of the family arrived at the spot on her raising a hue and cry, which resulted in registration of offence under Section 354, 354A and 354D. In any case, these accusations are not levelled against the applicant, But the complainant had narrated that when Sudhakar attempted to flee, he was caught hold of by the members of her family and then a quarrel ensued between them. At that time, the applicant Vishwas, other accused Shivraya and Rajkumar Desai arrived at the spot and started abusing the husband of the complainant. She alleged that they would register an offence against them under the Atrocities Act and they were would not be left alive. In this C.R, the present applicant is arraigned as accused no.2.

2 The conjoint reading of both the cross C.R, would reflect a long drawn discord between the two families and two versions of the same incident are surfacing through the two C.Rs

As far as the present applicant is concerned, he is not accused of outraging the modesty of the complainant, but it is alleged by the complainant that he arrived at the spot a little later when Sudhakar was attempting to flee and thereafter a quarrel ensued.

In the backdrop of the aforesaid circumstances, considering the nature of accusations faced by the members of two families against one another, the present case do not warrant custodial interrogation of the applicant. He, therefore, deserve a protection subject to the stipulation that he shall render his assistance to the Investigating Officer in completion of the investigation. Hence, the following order :-

ORDER

- (a) In the event of his arrest, the Applicant – Vishwas Laxman Desai in connection of C.R.No.197/2022 registered with Akkalkot South police station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(c) The Applicant shall attend the concerned police station on Monday and Friday between 2.00 pm to 5.00 p.m for a period of two weeks and thereafter as and when directed.

3 The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)