

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3256 OF 2022

1. Sushilkumar Govindrao Jagdale
2. Sanjay Mahaveer Kinikar ... Applicants
Versus
State of Maharashtra ... Respondent

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Mr. P.D. Dalvi for the Applicant.
Ms. M.M. Deshmukh, APP for the State.
Ms. Snehal Dipat Takale, WPSI, Jaysingpur Police Station, Kolhapur,
present.

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CORAM : N.R. BORKAR, J.
DATED : 28 NOVEMBER 2022

P.C. :-

1. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicants are apprehending their arrest in Crime No. 382 of 2022 registered at Jaysingpur Police Station, Kolhapur for the offence punishable under Sections 143, 147, 149, 323, 324, 363, 364, 365, 366, 504, 506 r/w. 34 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. The applicant No.1, who is an advocate was representing the victim in her divorce proceeding. According to the complainant, who is

brother of the victim, the applicant No.1 used to say to the victim that he would help her in clearing competitive examination and was trying to develop intimacy with her.

5. The incident took place on 4th November 2022. According to the complainant, on the day of incident, he and victim came to the court at Jaysingpur to attend the date in a case filed by the applicant No.1 for recovery of money against the victim. According to the complainant, after finishing their work, they left the court at about 1.35 p.m. It is alleged that while they were on their way to their village on motorcycle, the applicant No.1 and one unknown person accosted them. It is alleged that the applicant No.1 started threatening them. According to the complainant, the applicant No.2 and three more unknown persons came there. According to the complainant, they assaulted him and his sister (victim) by stick, fist and kick blows. It is alleged that present applicant No.1 then caught hold of hair of the victim and with the help of applicant No.2, the victim was forcibly pushed in the car and then the car sped away from the place of incident.

6. The learned Counsel for the applicants submits that there was a love affair between the applicant No.1 and the victim and even they stayed together for some days and thus there was no question of abducting her. It is submitted that in an Affidavit filed by the victim before the Sessions Court in Anticipatory Bail Application filed by the present applicants the victim had stated that she was not abducted. The learned Counsel for the applicants submits that there is no need of custodial interrogation of the present applicants as nothing is to be recovered at their

instance. The applicants are ready to co-operate in the investigation and thus, they be protected.

7. The learned APP for the State submits that there are eye-witnesses to the incident. It is submitted that during the course of investigation the investigating officer has collected the CCTV footage wherein the present applicants can be seen assaulting the complainant and the victim. It is submitted that the victim in her statement supported the prosecution case. It is submitted that considering the facts and circumstances, the applicants may not be released on anticipatory bail.

8. I have perused the papers of investigation. There are eye-witnesses to the incident, who have stated that the present applicants assaulted the complainant and the victim. It appears that victim had filed an affidavit before the Sessions Court wherein she had stated that on the date of alleged incident, she on her own went alongwith the applicant No.1. However, thereafter her statement came to be recorded wherein she has supported the prosecution case. There is also an explanation as to what made her to file the affidavit denying the occurrence of incident in question. Considering the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the present applicants. In the result, the following order is passed :

ORDER

Application is rejected.

(N.R. BORKAR, J.)