

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.310 OF 2022

Lakshmi Hariharan Madduru Applicant
Versus
The State of Maharashtra Respondent

**WITH
CRIMINAL INTERIM APPLICATION (ST) NO.2940 OF 2022
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.310 OF 2022**

Somyajula Giribabu Applicant

In the matter between

Lakshmi Hariharan Madduru Applicant
Versus
The State of Maharashtra Respondent

Mr. J. S. Kini i/b. Ms. Sapna S. Krishnappa for the Applicant.

Mr. Sachin Dhakephalkar for the Intervenor.

Mr. P. H. Gaikwad, APP for the Respondent – State.

CORAM :SARANG V. KOTWAL, J.

DATE : 18th FEBRUARY, 2022

P.C. :

1. The Applicant is seeking anticipatory bail in connection with CR No.I-208 of 2021 dated 14th October, 2021 registered at Khadakpada Police Station, Thane City, under Section 307, 143, 147, 149, 342, 427, 506 of the Indian Penal Code.

2. Heard Mr. J. S. Kini, learned counsel for the Applicant,

Mr.Sachin Dhakephalkar, learned counsel for the Intervenor and Mr. P. H. Gaikwad, APP for the Respondent – State.

3. The FIR is lodged by the Applicant's stepsister's husband. He has stated that he was residing with his wife Swarnalakshmi and children. On 14th October, 2021 at about 11.15 in the morning, he was travelling towards Sai English School, Katemanivali, in his four wheeler. While he was travelling, two unknown persons followed him on a two wheeler. They drove their two wheeler in rash manner and went ahead dangerously. In this process, they caused some damage to the Informant's car and to the car in front of the Informant's car. After some distance, the Informant saw the same two persons on two wheeler waiting for the Informant. They stopped the Informant's car. They had covered their faces. They picked up quarrel with the Informant. One of them told him that if the case against the present Applicant was not taken back by the Informant's wife, then those person would take serious steps against the Informant. The Informant got scared and drove his car in speed. After some distance, one more two wheeler over took the Informant's car and there were three more persons. It is the case of the Informant that he saw a gun kept near the waist of one of them. The Informant drove his car at as much speed as he could gather and then straightway went to the police Station and told them about

the incident.

4. Learned counsel for the Applicant submitted that there is long drawn civil litigation between Swarnalakshmi and Shreelakshmi who are step sisters. The Informant is the husband of Swarnalakshmi. The Informant has succeeded in most of the civil litigation. Therefore, the Informant was holding grudge against the Applicant. The matter of dispute between the step sisters was over a school and a flat. The present FIR is result of such dispute. He submitted that entire incident allegedly had taken place at 11.15 in the morning but the FIR was lodged at around 10.30 in the night. He further submitted that the delay has remained unexplained. Learned counsel submitted that no injury was caused and no weapon was used. Therefore, Section 307 of the IPC is not applicable.

5. Learned counsel for the Intervenor submitted that the incident occurred at the behest of the present Applicant who had given a contract to some unknown persons. Learned APP submitted that one of the main accused was arrested he had named the present Applicant and stated in his statement that the present Applicant is the master mind behind this incident. Learned APP submitted that iron rod, sickle is recovered at the instance of one of the accused.

6. I have considered these submissions. As far as the main

incident is concerned, admittedly the Informant or anybody else has not suffered any injury. As rightly submitted by the learned counsel for the Applicant that the incident had taken place in the morning at 11.15 am and the FIR was lodged at 10.30 in the night. As it is mentioned that immediately after the incident, the Informant had gone to Khadakpada Police Station, and informed the police about the incident. However, the proforma of the FIR shows that the FIR was lodged at 10.57 pm. Therefore, there is substance in the argument of the learned counsel for the Applicant. That delay has remained unexplained and it shows false implication and on after thought as submitted by the learned counsel. Both sides agreed that there are civil disputes pending between the parties. That, it may give motive to the Applicant to commit offence against the Informant's wife. At the same time, it gives reason for false implication. Therefore, at this stage, nothing further can be observed. The Applicant had already told a co-accused to take steps to remove the Informant from the school. It nowhere indicates that the Applicant had instructed this accused to commit his murder or to cause harm. There is vague reference that some article of iron was banged against the Informant's car. This allegation is vague. At this stage, the allegations and the material against the present Applicant are very weak and vague. In this context, the custodial interrogation is not justified. He

can be protected by an order of anticipatory bail.

7. Learned APP submitted that there are antecedents against the present Applicant. Since the material against the Applicant is weak, the protection of anticipatory bail can not be denied to her. However, some restriction can be imposed on her.

8. Hence, the following order:

ORDER

- (i) In the event of her arrest in connection with CR No.I-208 of 2021 dated 14th October, 2021 registered at Khadakpada Police Station, Thane City, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned police station on 17th, 18th and 19th March, between 1.00 to 4.00 pm and cooperate with the investigation
- (iii) Thereafter, the Applicant shall attend the concerned Police Station once every week for a period of six months from today.
- (iv) Application stands disposed of accordingly.
- (v) In view of disposal of Anticipatory Bail Application, the Interim Application is disposed of as such.

(SARANG V. KOTWAL, J.)