

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 481 OF 2022**

Sanjay Saran Pardeshi .. Applicant
Versus
The State of Maharashtra .. Respondent

**WITH
INTERIM APPLICATION NO. 1318 OF 2022
IN
CRIMINAL BAIL APPLICATION NO. 481 OF 2022**

Resha Bhavanpally .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr.Subhash Jha with Siddharth Jha and Tushar Bansode i/b Law
Global Advocates for the applicant.
Ms.Neha Mhatre i/b Falcon Legal for the intervenor.
Smt.Rutuja Ambekar, APP for the State.

**CORAM: BHARATI DANGRE, J.
DATED : 7th JUNE, 2022**

P.C:-

1 The applicant seek his release on bail, on being
charge-sheeted in C.R.No.615 of 2021 registered with Juhu Police
Station for the offences punishable u/s. 307, 354, 509, 422, 323,
504, 506, 141, 142, 143, 144, 146 and 147 of the IPC.

In connection with the said C.R, he came to be arrested on 6/10/2021 and since then, he is imprisoned, awaiting the trial, since his Bail Application came to be rejected by the Sessions Court at Dindoshi, Mumbai on 27/1/2022.

2 Heard learned counsel Mr.Subhash Jha for the applicant, Ms.Neha Mhatre for the intervenor and Smt.Rutuja Ambekar, learned APP for the State.

3 At the instance of one Reshma Rajan Bavnapalli, who reported to the Juhu police station on 4.10.2021 and lodged a complaint alleging that she is residing within the jurisdiction of the said police station and is acquainted to the applicant since long. She alleged that for last few days, the applicant was posting incorrect post, involving her family on the Facebook and few days back, he had posted a very abusive and derogatory posts about her sister like friend and also uploaded one video, which was highly objectionable. The complainant in response posted a comment on her Facebook account on 4/10/2021, seriously objecting to his conduct.

4 The complainant allege that, in the morning hours, when she was present in the house along with her family members, there was a knock at the door and when her father opened the door, the applicant along with three named persons and four unknown persons barged entry into her house and she accuse the applicant of touching her chest inappropriately and

hurling abuses at her and threatening her with dire consequences. She reported that she was thrown by the applicant on the bed and by his hands, he attempted to strangle her by threatening her to delete the comments on Facebook. The complainant alleged that she felt breathless but was rescued by her parents.

The aforesaid complaint resulted in invoking Section 307, 354, 509, 323 and other Sections of the IPC.

5 On the investigating machinery being set into motion, the applicant came to be arrested. During investigation, the statement of her father Rajan Bavnapalli, her mother Smt.Satya came to be recorded. Two statements from the persons residing in the neighborhood were also recorded in order to support the prosecution case. The complainant was referred for medical examination, and the injury report referred to one abrasion on the supraclavicular vision and tenderness on right arm.

6 Learned counsel Mr.Jha would submit that even the FIR is taken as it's face value, no offence u/s.307 is made out, looking to the nature of the accusations and on perusal of the injury report. He would submit that the whole case is concocted and it is an attempt to indict him, since he was protesting against the high-handed action of the developer, who had demolished the house of the applicant and in respect of which, some proceedings were pending. Mr.Jha would submit that the post made by him on

the Facebook were not against the complainant and in fact, the applicant shared extremely cordial relationship with the father of the complainant, and that is the reason, in order to clear the misunderstanding, he had visited the house of the complainant with his daughter and a close relative. The applicant has denied the occurrence of the alleged incident and in any case, Mr.Jha would submit that the accusation do not warrant his further incarceration, since now the investigation is complete.

7 The learned APP would submit that there are various offences registered against the applicant and his antecedents should be looked into while releasing him on bail.

8 It may be an admitted position that the applicant has criminal antecedents, but for releasing him on bail, his involvement in the present C.R, must be focussed upon.

Section 307 of the IPC, is an offence punishing an attempt to murder, contemplate any act done with an intention or knowledge and under such circumstances, that, if by that act, the accused caused death, he would be guilty of murder. The ingredients of the offence of attempt to commit murder warrant an intention or knowledge that by the act intended, death could be caused. The injury report which merely refer to an abrasion, would fall short of the intention and knowledge to cause death of the complainant. As far as the offence u/s.354 is concerned, it is punishable with Imprisonment for a term which shall not be less

than One year but which may extend to five years.

Since the investigation in the accusation faced by the applicant is complete and the material is already compiled in the charge-sheet, merely because he has antecedents, may not be a justifiable ground to refuse him his liberty, in the wake of the accusations levelled against him in the complaint.

However, he must be restrained from posing any adverse comment/post upon his Facebook account pertaining to the complainant or any of her family member and if he indulge in such an act, his liberty is liable to be curtailed. Hence, the following order :-

ORDER

- (a) The Applicant – Sanjay Pardeshi in connection with C.R.No.615/2021 registered with Juhu Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.50,000/- with one or two sureties of the like amount. The applicant be released on cash bail provisionally for a period of two weeks.
- (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. The Applicant should not tamper with evidence.

- (c) The applicant shall not comment or upload any post on Facebook/any social media pertaining to the complainant or her family during the pendency of the trial.
- (d) The applicant shall attend the trial regularly, once it commences, unless he is exempted from attendance.

The Application is allowed in the aforestated terms.

(SMT.BHARATI DANGRE,J)