

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

CRIMINAL APPEAL NO. 199 OF 2021

1. Ravindra Subhash Tekalhe
2. Swapnil Pralhad Yadav
3. Dhanaji Maruti Yadav

..Appellants.

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Mahindra B. Deshmukh for Appellants.

Smt. M. R. Tidke, APP for State/Respondent No.1.

Ms. Saima Ansari i/b. Fakhruddin Khan (Appointed Advocate) for
Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 7th DECEMBER 2022

PC :

1. The Appellants have challenged the order dated 20/02/2021 passed by learned Additional Sessions Judge, Sangli in Criminal Bail Application No. 143 of 2021. In effect, the Appellants are seeking anticipatory bail in connection with C.R.No.49 of 2021, registered with Kadegaon police station, for commission of offence punishable under sections 354-B, 354-D, 336, 427 r/w. 34 of the I.P.C. and under sections 3(1)(w)(ii) and

3(2)(va) and Section 6 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard Shri. Mahindra Deshmukh, learned counsel for the Appellants, Smt. Tidke, learned APP for the State and Ms. Saima Ansali, learned appointed advocate for the Respondent No.2.

3. The F.I.R. is lodged by the Respondent No.2 on 08/02/2021. She has mentioned that the Appellants and others are her neighbours. She belonged to a scheduled caste. The Respondent No.2 and the appellants knew each other very well. Since about 5 years the Appellants and other neighbours were causing harassment to her by pelting stones on her roof. It is alleged that the Appellants used to pass from her house and used to commit acts which would amount to outraging her modesty by making gestures.

4. On 04/02/2021, the Appellant Ravindra and three others had pelted stones on her house causing damage to the cement sheet of the roof. On 06/02/2021, she had gone to a bank

at Kadepur. At that time, the appellant Swapnil came after her and had made some gestures. In the night at 8.00p.m. the appellant Swapnil pelted stones on her roof. On these allegations, she lodged her F.I.R. on 06/02/2022.

5. Learned counsel for the Appellants submitted that the Appellants Ravindra, Dhanaji and Swapnil's father had made written application to the District Superintendent of Police, Sangli on 16/10/2020 itself. In that application, it was mentioned that the Respondent No.2 was causing harassment and was threatening to lodge F.I.R. under the Atrocities Act. She was making false allegations of pelting stones by the appellants and others. By that application the appellants had requested the police authorities to take note of this fact and to take action against the Respondent No.2. However, no steps were taken by the police authorities and ultimately the Respondent No.2 had lodged her F.I.R. making the same allegations which were expressed in the appellants' application to the police authorities. He, therefore, submitted that the F.I.R. is false. It is filed only to harass the appellants. The alleged incident is old. There is delay of at least two days in

lodging the F.I.R.

6. Learned APP, as well as, learned counsel for the Respondent No.2 opposed this Appeal.

7. Learned APP produced the investigation papers before me. There are no eye witnesses to the incident as such. The allegations of pelting stones is made only by the victim. Nobody else had seen the incident of pelting of stones. The other allegations are vague and no specific instances are given. This has to be seen in the background of the complaint made by the appellants and others against the Respondent No.2. They had expressed the very same apprehension which has resulted in lodging of F.I.R. Considering all these aspects, there is a reasonable possibility of false implication. Therefore, appellants deserve protection of an order of anticipatory bail. It is made clear that all these observations are made for the purpose of passing of this order. The trial Court at a proper stage shall not be influenced by any of these observations.

8. Hence, the following order:

O R D E R

- a) The Appeal is allowed.
- b) In the event of their arrest in connection with C.R.No.49 of 2021, registered with Kadegaon police station, the Appellants are directed to be released on bail on their furnishing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- c) The Appeal is disposed of.

(SARANG V. KOTWAL, J.)