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

ANTICIPATORY BAIL APPLICATION NO. 1155 OF 2022

Uma Anand Javir and ors. .. Applicants
Vs.
The State of Maharashtra .. Respondent

Mr. Ramji T. Kotali, for Applicants.

Mr. Y.Y. Dabke, APP for State – Respondent.

**CORAM: VINAY JOSHI, J.
DATE: APRIL 27, 2022**

P.C.:

1. In anticipation of arrest in Crime No.135 of 2022 registered with Chinchwad Police Station for the offences punishable under Sections 323, 352, 452, 504, 34 of the Indian Penal Code, the applicants are seeking for pre-arrest protection.

2. At the instance of the report lodged by victim lady, crime was registered. She stated that there was a quarrel between her son - Atish and applicant no. 3 - Sonya. On 4th March 2022, applicant no. 3 – Sonya accosted the informant near a shop and abused her. At that time, applicant no. 2 - Anand and applicant no. 1 -Uma arrived and abused informant and her husband. It is alleged that applicant no.1 – Uma pushed and manhandled her.

3. The informant stated one another separate incident happened in quick succession. It is her case that after some

time, co-accused Suresh Misal (released on bail) entered in her house and beat informant lady. On that basis, report has been lodged. Learned APP appearing for the State opposed the bail by contending that the applicants have assaulted a lady.

4. It is submitted that provisions of Section 452 of Indian Penal Code would not attract against the applicants. I find considerable force in the submission since the allegations of house trace pass are restricted to co-accused Suresh Misal only. Reading of entire FIR discloses that role assigned to the applicants is only of giving abuses at public place and manhandling by applicant no. 1 -Uma. Considering the nature of accusation, nothing is to be ceased at the instance of the applicants. Having regard to all above facts, the applicants' liberty can be protected by directing them to join the course of investigation. In view of that, the following order.

ORDER

(a) The application is allowed.

(b) In the event of arrest, the applicants namely Uma Anand Javir, Anand Malhari Javir and Sonya @ Utkarsh Malhari Ahivale in Crime No.135 of 2022 registered at Chinchwad Police Station, District- Pimpri Chinchwad for the offences punishable under Sections 323, 352, 452, 504, 34 of the Indian Penal Code, be released on interim bail on their furnishing P.R.bond of Rs. 25,000/- each with one or two sureties in the like amount.

(c) The applicants shall attend the concerned Police Station on every Sunday in between 10.00 a.m. to 12.00 noon to facilitate the investigating till filing of charge-sheet.

(d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

5. The application stands disposed in the above terms.

(VINAY JOSHI, J.)