

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

ANTICIPATORY BAIL APPLICATION NO. 1264 OF 2022

1) Bharat Bhushan J. Kandwal	
2) Gaurav Bharat Bhushan Kandwal	
3) Saurav Bharat Bhushan Kandwal	 Applicants
v/s.	
The State of Maharashtra	 Respondent

Mr. Ayush Pasbola i/b. Mr. Harsh Sharma for the Applicants.
Mr. Rupesh Maurya for the complainant.
Mr. M.G. Patil, APP for the State.
Mr. Sharad Surve, API, Oshiwara Police Station.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 06th MAY, 2022.

P. C. :-

. This is an Application under section 438 of Cr.P.C. for pre-arrest bail in C.R.No.277/2022 registered with Oshiwara Police Station, Mumbai for offences punishable under sections 323, 354, 325, 504 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Ayush Pasbola, learned counsel for the Applicant, Mr. Rupesh Maurya, learned counsel for the intervenor and Mr. M.G. Patil, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective

parties.

3. The aforesaid crime was registered pursuant to the First Information Report (FIR) lodged by Lalita Kukreti. The FIR prima facie reveals that there is a dispute between Govindram, the father of the complainant and her uncle – Bharat, the Applicant No.1 herein over a garage namely ‘Govind Auto Engineering Works’ situated at Bhuwalsingh Compound, Shakuntala Estate, Near Ajit Glass, Jogeshwari West. The complainant has alleged that on 22/03/2022, at about 16:30 hours, the Applicant No.2 – Gaurav, her paternal cousin came near the garage and abused and assaulted her and hit her on her chest and thereby outraged her modesty.

4. As noted above, the Applicant and the complainant are closely related to each other. The alleged incident was a consequence of a dispute between them over a garage. The FIR prima facie indicates that in the course of scuffle, the Applicant No.2 hit her on her chest. Whether the act was with an intention to outrage her modesty or whether it was an unintentional act during scuffle, is a matter of trial. Considering the nature of accusations, no case is made out for custodial interrogation. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicants in C.R.No.277/2022 registered with Oshiwara Police Station, Mumbai, they shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- each with one or two sureties in the like amount ;

(b) The Applicants shall report to the Investigating Officer for two days from 09/05/2022 between 11:00 a.m. to 02:00 p.m.

(c) The Applicants shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(d) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

5. The Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)