

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1382 OF 2022

Sulochana Baban Gaikwad and Another ...Applicants

vs.

The State of Maharashtra ...Respondent

VISHAL
SUBHASH
PAREKAR

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Mr. Charan Penthalia, for the Applicants

Mrs. J.S. Lohkare, APP, for the State.

Ms. Madhuri Rokade, API, NRI Sagri police station present.

CORAM : N. J. JAMADAR, J.

DATE : JUNE 24, 2022

P.C.:

1. Heard the learned counsel for the applicants and the learned APP for the State.

2. This is an application for pre arrest bail in connection with C.R. No. 69 of 2022 registered with NRI Sagri police station for the offences punishable under sections 313, 354A, 498A, 323, 504, 506 read with 34 of Indian Penal Code, 1860.

3. Mrs. Ashwini Gaikwad, the first informant who is the daughter in law of the applicants, filed a report on 9th March, 2022 with the allegations that the applicants and their sons Tushar and Swapnil subjected the first informant to cruelty in order to coerce her to meet the unlawful demand of property. Tushar is the husband of the first informant. Co-accused Tushar allegedly

assaulted the first informant on 18th January, 2022 which resulted in miscarriage on 21st January, 2022. The applicant No. 2 Baban Gaikwad, father in law of the first informant had allegedly attempted to outrage the modesty of the first informant, in the year 2021.

4. The learned counsel for the applicants submitted that the last incident of alleged harassment is of 21st January, 2022 and the report has been lodged on 9th March, 2022. The first informant is residing separately since November, 2021. Thus, the applicants had no role in the alleged incident which led to miscarriage.

5. Learned APP invited the attention of the Court to the allegations in the first information report qua the applicant No. 2 Baban. The first informant alleged that the applicant No. 2 had inappropriately touched her in the month of January, 2021.

6. I have carefully perused the allegations in the first information report. The allegations qua the offence punishable under section 313 of the Penal Code are primarily and singularly against the husband of the first informant Tushar. The submission of the learned counsel of the applicants that the first informant and

her husband were residing separately is borne out by the assertions in the first information report. It appears that in the wake of marital discord between Tushar and first informant, the allegations have also been made against the relatives of the husband of first informant. The allegations against the applicant, however, do not appear to be of such incriminating tendency as to warrant custodial interrogation for effective investigation. The incident of inappropriately touching the first informant allegedly occurred in the month of January, 2021.

7. In the totality of circumstances, the custodial interrogation of the applicants is not warranted. The possibility of fleeing away from justice seems remote. I am, therefore, persuaded to exercise the discretion in favour of the applicants.

Hence, the following order.

ORDER

1] In the event of arrest of the applicants in C.R. No. 69 of 2022 registered with NRI Sagri police station for the offences punishable under sections 313, 354A, 498A, 323, 504, 506 read with 34 of the Penal Code, they be released on bail on furnishing a P.R. bond in the sum of Rs. 25,000/- and one or two sureties in the like amount.

2] The applicants shall attend the NRI Sagri police station on every alternate Sunday in between 10 am to 1 pm for the period of two months or till filing of the charge-sheet whichever is earlier.

3] The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.

Application disposed.

(N. J. JAMADAR, J.)