

Yogesh Ananta Mhatre and Ors. .. Applicants
Versus
State of Maharashtra .. Respondent
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CORAM: BHARATI DANGRE, J.
DATED : 24th MAY, 2022
(Vacation Court)

1. Heard learned counsel for the applicants and learned Public Prosecutor.

In the said complaint, the present applicants came to be arraigned as a accused.

A. A. Mudaliyar

of 2021 on 07.12.2021 where the Pradeep Mhatre i.e., applicant no.3 in the present application the complaint and Rakesh Jadhav, his mother Sangeeta Jadhav are arraigned as a accused. Their accusation is revolving very same incident which took place on 07.12.2021 between 1.30 to 2.00 p.m.

Thus, there are cross FIR in respect of the very said incident.

4. The present applicants came to be released on bail in the wake of C.R. No.328 of 2021 since all the offences were bailable. At a later point of time i.e., over a period of three months and to be precise on 28.04.2022, supplementary statement of Sau Sangeeta, came to be recorded where by way of additional statement of fact, she alleged that while the scuffle was taking place, the applicant no.1 Yogesh, who was standing nearby pulled her by her hand and assaulted her attempted to disrobe her by touching her bosom and this resulted in invoking section 354 of IPC, which being a non bailable offence, the earlier order passed by the learned Judge releasing the applicants on bail was recalled.

5. I have perused the supplementary statement of Sangeeta recorded on 28.04.2022, where she has supplemented her earlier statement and added the aforesaid allegations relating to outraging her modesty at the hands of Yogesh. It is pertinent to note that no accusation is faced by other three applicants.

6. In the sequence of events to the effect that the first complaint is lodged on 08.12.2021, where the accusation which are personally made by Sangeeta in her statement dated 28.04.2022 are conspicuously absent and after almost three and half months the supplementary statement is recorded. Prima facie if the modesty of woman is outraged, it is unlikely that she would not refer to this glaring fact, when her statement was recorded for the first time, nor such a fact surfaced on record through any of the statements recorded during investigation.

Considering this important omission, at earlier point of time, the accusation against the applicant no.1 come at belated stage. In my considered opinion, this are entitle the applicants for protection against arrest by the following order:-

ORDER

(a) In the event of their arrest, the Applicant no.1 Yogesh Ananta Mhatre, applicant no.2 Bhavika Yogesh Mhatre, applicant no.3 Pradeep Ananta Mhatre and applicant no.4 Pramila Pradeep Mhatre, shall be released on bail in connection with C.R.No.328 of 2021 registered with Hill Line police station on furnishing P.R. bond to the extent of Rs.25,000/- each with one or two sureties of the like amount.

(b) The applicants 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 and should not tamper with evidence.

(c) The applicants shall report to the Investigating Officer on 26.05.2022 and 30.05.2022 between 10.00 a.m. to 2.00 p.m. and thereafter, as and when called for.

(d) The application is disposed off.

(SMT. BHARATI DANGRE, J.)