

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1485 OF 2022**

Kailas Bhimrav Kusher .. Applicant

Versus

State of Maharashtra .. Respondent

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Mr.Khwaja Shaikh with Mr.Ramesh Mishra for the Applicant.

Ms.Rutuja Ambekar, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.

DATED : 07th JUNE, 2022

P.C:-

1. Heard the learned counsel for the applicant and the learned A.P.P.

The applicant is apprehending his arrest in connection with C.R.No.542 of 2022 registered with Powai Police Station, invoking Sections 324, 354, 504, 506(2) read with Section 34 of the IPC and it has indicted four persons, the applicant being accused No.1 alongwith his sister and two other persons.

2. The complainant, who reported the incident of 22/05/2022 narrated that, at around 00.30 to 00.45 hrs, the applicant who is her husband's friend was accompanying some other boys and, since, they were chitchatting, she objected and complained that it was depriving her family of a peaceful sleep. Upon such an objection, it is alleged that the applicant abused her and she reported the incident to the police, which was registered as N.C. No.1319 of 2022 under Sections 504, 506 of the IPC.

While returning back from the police station, her husband, who was under the influence of liquor, stopped the truck of Kanakia Builder and prevented it from going on the site. Again some quarrel ensued and it is alleged that the applicant alongwith his sister and two other accused persons arrived at the spot and started assaulting her husband by raising objection to the filing of N.C. complaint. It is alleged that the applicant outraged her modesty and also used insulting language . It is further alleged that her husband was assaulted by a wooden stick by the present applicant as well as by a person working with him, resulting into a bleeding injury. This resulted in registration of the offence.

3. On perusal of the F.I.R. as well as the medical certificate of the complainant and also various NCs filed by the parties accusing each other of disturbing the peace and tranquility, it is apparent that there is a previous hostility amongst them.

The above accusations do not warrant the custodial interrogation of the applicant. However, this is subject to a stipulation that the applicant shall not further indulge in any such incident and in such contingency, the prosecution as well as the complainant will be at liberty to seek cancellation of the protection conferred upon him. Hence, the following order.

: ORDER :

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.No.542 of 2022 registered with Powai Police Station, applicant-Kailas Bhimrav Kusher shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (c) The applicant shall report to the concerned police station on Monday and Thursday between 10.00 a.m. to 2.00 p.m. for a period of two weeks and, thereafter, as and when called for.

(d) The applicant 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.

(SMT. BHARATI DANGRE, J.)