

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3075 OF 2022

Rajesh S. Jadhav

...Applicant

V/s.

The State of Maharashtra

...Respondent.

Ms Neha Pandey for the Applicant

Ms M.M. Deshmukh, APP for the Respondent/ State.

CORAM : N.R. BORKAR, J.
DATE : 14.11.2022.

P.C. :

1. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. The applicant is apprehending his arrest in C.R. No.566 of 2022 registered at Mohol Police Station for the offence punishable under Sections 354, 327 and 506 of Indian Penal Code (IPC).
3. It is the case of the prosecution that on 28 June 2022, the present applicant had outraged the modesty of the complainant.
4. I have heard the learned Counsel for the applicant and the learned APP for the State.
5. The learned counsel for the applicant submits that on 28 June 2022, the complainant had abused and assaulted the present applicant and his wife and therefore, the report was lodged on the very same day. It is submitted that on the basis of said report,

C.R.No. 565 of 2022 for the offence punishable under Sections 324, 504 and 506 of the IPC and Sections 3(1)®, 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 was registered against the complainant. It is submitted that the complainant, thereafter on the next day, had lodged the false FIR against the present applicant. It is submitted that nothing is to be recovered at the instance of present applicant and therefore, his custodial interrogation is not necessary. It is submitted that the applicant be thus released on anticipatory bail.

6. On the other hand, the learned APP submits that the applicant is involved in serious offence of outraging the modesty of woman. It is submitted that in addition to present crime, the applicant is involved in two more crimes, i.e., C.R. No. 80 of 2015 for the offences punishable under Sections 376, 323 and 506 of the IPC and C.R. No.431 of 2017 for the offences punishable under Sections 354-B, 323, 504, 506 read with 34 of the IPC. It is submitted that considering the criminal antecedents of the applicant, he may not be released on anticipatory bail.

7. Considering the involvement of applicant in the offence of rape and outraging the modesty of woman on earlier two occasions, I am not inclined to release the applicant on anticipatory bail. Accordingly, Anticipatory Bail Application is rejected.

[N.R.BORKAR, J.]