

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 38/2022
(Sanjay S/o Shivshankar Shukla Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Vivek Awchat, Advocate for applicant.
Mr. M. J. Khan, APP for non-applicant/State
Mr. T. M. Malnas, Advocate for assisting to prosecution.

CORAM :- SURENDRA P. TAVADE, J.

DATED :- 08.02.2022

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard learned counsel for the applicant and learned APP on behalf of respondent/State.

3. This is an application for pre-arrest bail in Crime No. 998/2021 registered with the Police Station Arni, Dist. Yavatmal for offence punishable under Sections 354, 451 and 506 of the Indian Penal Code. It is alleged against the applicant that one Ms. Babita Pawar lodged report against the applicant wherein it is alleged that on 29.12.2021 at about 10.30 a.m., the applicant entered into the house of the informant and demanded cell number of her husband. Accordingly, she provided cell number of her husband to the applicant. Thereafter, he demanded water. On that demand, the informant told

him to take water from the water can. It is alleged that thereafter, the applicant caught hold the informant's hand and pinched the chick. On this incident, the informant slapped the applicant and lodged report.

4. On the basis of allegations, learned counsel for the applicant submits that the applicant and husband of the informant were having business transactions. As the applicant is agriculturist, he used to sell the agricultural produce to the husband of the informant who later use to sell it in the market. The husband of the informant agreed to purchase soybean crop from the applicant. But, the husband of the applicant avoided the said transaction. Thereafter, the rate of soybean has been decreased. Therefore, the applicant suffered loss. It is contended that the applicant and husband of informant were having transaction of purchasing of crop. So the theory of the informant that the applicant had been to her house for taking cell number of husband appears to be false and bogus. He also contended that the applicant had given threat to the informant that if he fails to purchase the soybean crop, he would lodge complaint against him.

5. On the other hand, learned APP submits that the offence is of serious in nature. The applicant has outraged modesty of the informant by entering into her house. He submits that there is no evidence on record to

show that the applicant and husband of the informant were having commercial transaction, therefore, the theory put forth by the applicant is not believable. It is contended that the investigation is at crucial stage, therefore, application be rejected.

6. Heard learned counsel for the applicant and learned APP on behalf of State. It appears that the applicant and the husband of the informant were knowing each other. It appears from the First Information Report that the informant was knowing the appellant therefore, she allowed him to enter into the house and provided cell phone of her husband, thereafter also provided water to him. This shows that informant was acquaintance with the applicant. It appears that except informant, nobody is eye-witness to the said incident. The statements of witnesses are already recorded. Therefore, the custodial interrogation of the applicant is not required. If the applicant is released on bail with certain condition, the purpose of the Investigating Officer would be served. Hence, I pass the following order:-

(I) Application stands allowed and disposed of.

(II) In the event of arrest, applicant Sanjay Shivshankar Shukla in Crime No. 998/2021, he is ordered to be released on bail on furnishing P. R. Bond of Rs. 25,000/- with one surety in the like amount with a

condition that to attend Police Station on every Monday, Wednesday and Friday in between 10.00 a.m. to 12.00 noon for three weeks.

(III) The applicant shall not tamper with the prosecution witnesses in any manner.

(SURENDRA P. TAVADE, J)

JITENDRA
BHARAT
GOHANE

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by JITENDRA
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