

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.450 OF 2023

Kalidas s/o Dattu Jadhav

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. A.T. Jagtap, Advocate for applicant
Mr. A.A. Jagatkar, A.P.P. for respondent
.....

CORAM : R.G. AVACHAT, J.

DATE : 6th APRIL, 2023

PER COURT :

Heard. It appears that, both, the informant and the applicant are next door neighbours. All is not well between the two families. There are cross complaints over the incident. Learned counsel for the applicant submits that, in past i.e. in 2017, the applicant had lodged complaint against the informant's family members. A copy thereof has been placed on record. Based on the same, the charge sheet has been filed and the trial has commenced. The accused therein had been to him to pressurize to withdraw from the said prosecution, lest they will file false complaint against the applicant and his family members.

2. Perusal of the F.I.R. in question indicates that the applicant allegedly assaulted the informant with a Katti. The Katti was found at the scene of offence itself. The informant suffered injury, simple in nature. As such, it is an offence punishable under Section 324 of the Indian Penal Code, bailable one.

3. So far as regards outraging the modesty of the informant is concerned, the learned counsel submits that, just to aggravate or make the offence more serious, those allegations have been made in the F.I.R. When the incident took place in the evening of 3rd February, the F.I.R. has been lodged on the following day by 1.30 p.m. It appears that, the investigating officer has not seized the informant's blouse allegedly torn by the applicant. Since all is not well between the two families, and incorporation of exaggerated version cannot be ruled out, custodial interrogation of the applicant is not warranted. Hence, the Court is inclined to allow the application. Hence the order :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with

Crime No.46/2023, registered at Lohara Police Station, District Osmanabad for the offence punishable under Sections 324, 354, 323, 504, 506 read with Section 34 of the Indian Penal Code, the applicant be released on bail on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence and shall appear before the investigating officer as and when required for the purpose of investigation.

(R.G. AVACHAT, J.)

fmp/-