

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.948 OF 2023

**GORAKH @ GORAKSHNATH DATTATRAYA KHENDAKE AND
ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

Mr. V. P. Narwade, Advocate for the applicants
Mr. S. N. Morampalle, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 10th JULY, 2023

P.C. :-

1. Applicants apprehend arrest in connection with Crime No. 311/2023 registered with Shrigonda Police Station, Tal. Shrigonda, Dist. Ahmednagar for the offences punishable under Sections 327, 354-A, 366, 323, 504, 506 r/w 34 of IPC.

2. Informant is a woman who reported incident occurred on 21/03/2023 at around 12.00 p.m. when the applicant and other co-accused came to her house and accused her son of taking mobile phone charger of the son of the applicant. She thereafter went to the school in order to make inquiry with her son. At that time in the ground of school applicant and co-accused abused and assaulted her. It is alleged that applicant No.1 threw stone at her whereas applicant No.2 outrage her

modesty. There is allegations against the co-accused of snatching her *mangalsutra* from the neck.

3. Learned counsel for the applicants states that offences punishable under Sections 327 and 336 are not attracted. According to him co-accused are enlarged on anticipatory bail. It is submitted that there is no injury caused to the informant with by alleged throwing of stone at her.

4. Learned APP opposed the application on the ground that there are criminal antecedents against the applicants. It is further argued that there is injury certificate on record which shows that injury was caused to thigh and forearm of the informant.

5. perusal of the first information report shows that though make allegations against present applicants however the offence alleged against them cannot go beyond application of Section 323 of IPC. As far as offence under Section 354-A is concerned the same is bailable. There is no allegations against present applicants that they snatched the *mangalsutra* of the informant. Having regard to the nature of incident as stated in the first information report it cannot be held that all accused came to the spot for the purpose of snatching the *mangasutra* of the

informant. In such circumstances custodial interrogation of the applicants may not be necessary and hence application is allowed in terms of interim order dated 22nd June, 2023.

(R. M. JOSHI, J.)

ssp