

1. Abhijeet Rangrao Londhe
2. Swapnil Sadashiv Jadhav
3. Shivaji Kondiba Kengar ...Applicants

Versus

The State of Maharashtra ...Respondent

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Mr. Vikramsingh Parmar a/w Mr. Chirag Sonecha for the Applicant.
Mr. P.H. Gaikwad Patil, APP for the State.
Mr. Prakash L. Patil, API, Bhilawadi Police Station, Present.

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CORAM : N.R. BORKAR, J.
DATED : 2 JANUARY 2023

P.C. :-

This is an application under Section 438 of the Code of Criminal Procedure for anticipatory bail.

2. The applicants are apprehending their arrest in Crime No. 171 of 2022 registered at Bhilawadi police station for the offences punishable under Sections 354-A, 452, 323, 504 read with 34 of the Indian Penal Code.

3. According to the prosecution, due to previous enmity on 30 October 2022 at about 7.45 a.m. the present applicants came to the house of the complainant, assaulted her husband and outraged her modesty.

4. I have heard the learned counsel for the applicants and the learned APP for the respondent-State.

5. The learned counsel for the applicants submits that there was some dispute between the family of the complainant and family of the applicant No. 2. It is submitted that one day prior to the present incident i.e., on 29 October 2022, on the request of applicant No. 2 applicant No. 1 came to his house to resolve the said dispute and at that time the husband of the complainant abused him on the caste. It is submitted that applicant No. 1 thus had to lodge the complaint against the husband of the complainant. It is submitted that on the basis of said complaint, the police had registered the crime against the family members of the complainant for the offences punishable under the Indian Penal Code and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. It is submitted that thus the complainant had lodged the false FIR against the applicants.

6. On the other hand, the learned APP submits that the applicants are involved in serious offence of outraging the modesty of the complainant. It is submitted that considering the nature of offence the applicants may not be released on anticipatory bail.

7. I have perused the FIR. It appears that the present FIR came to be lodged only after the lodging of the FIR by the applicant No. 1

against the husband of the complainant and her family members. Nothing is to be recovered at the instance of present applicants and therefore, their custodial interrogation is not necessary. Considering the facts and circumstances of the case, I am inclined to release the applicants on anticipatory bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) In the event of arrest of the applicant No. 1 Abhijeet Rangrao Londhe, applicant No. 2 Swapnil Sadashiv Jadhav and applicant No. 3 Shivaji Kondiba Kengar in Crime No. 171 of 2022 registered at Bhilawadi police station for the offences punishable under Sections 354-A, 452, 323, 504 read with 34 of the Indian Penal Code, they shall be released on anticipatory bail on furnishing PR bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount.
- (iii) The applicants shall attend the concerned police station from 11 January 2023 to 13 January 2023 between 11.00 a.m. to 2.00 p.m. and thereafter as and when called and shall co-operate in the investigation.

(N.R. BORKAR, J.)

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signed by
MANGALTAI
JAYWANT
JADHAV
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