



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 136 OF 2023

Rajendra Pandurang Nichit ...Applicant

Versus

The State of Maharashtra ...Respondent

Ms. Shivani Kondekar, for the Applicant.

Mr. M. G. Patil, APP for the State/Respondent.

CORAM: N. J. JAMADAR, J.

DATED: 16th OCTOBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is an application for pre-arrest bail in connection with CR No.563 of 2022, registered with Ranjangaon Police Station, Pune Rural, for the offences punishable under Sections 324, 326, 504 and 506 read with 34 of Indian Penal Code, 1860 ("the Penal Code").

3. A complaint of sexual harassment at workplace was lodged by a co-employee against Vijay Nichit, accused No.4 - the brother of the applicant. The accused suspected that the first informant had instigated the said lady to make the complaint against accused No.4 Vijay Nichit. On 22nd November, 2022 the

applicant allegedly called the first informant in front of the company premises. An altercation ensued. The applicant and co-accused Sandip started to abuse and threaten the first informant. In the meanwhile accused No.4 Vijay and his wife Swati also came thereat. Accused No.3 Sandip allegedly assaulted the first informant by means of an iron pipe. The applicant also gave fist and kick blows.

4. The learned Counsel for the applicant submitted that the principal assailants Sandip and Vijay were arrested and have since been released on bail by the learned Magistrate by an order dated 24th January, 2023. The role attributed to the applicant is that of giving fist and kick blows. Therefore, the custodial interrogation of the applicant is not at all warranted.

5. The learned APP submitted that it was the applicant who had called the first informant and, therefore, there is material to show that the applicant shared the common intention.

6. From the perusal of the allegations in the FIR, it becomes evident that the applicant and the co-accused suspected that the first informant had instigated the lady to lodge a complaint against accused No.4 Vijay. It seems when the first informant was allegedly questioned, an altercation ensued. It does not appear that the applicant was armed. On the contrary, it seems

that the applicant unleashed fist and kick blows. Whether the applicant shared common intention to cause grievous hurt to the first informant, would be a matter for trial. I am, therefore, impelled to exercise the discretion in favour of the applicant.

7. Hence the following order:

: O R D E R :

- (i) In the event of arrest of the applicant in CR No.563 of 2022, registered with Ranjangaon Police Station, Pune Rural, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and attend Ranjangaon Police Station on 25th, 26th and 27th October, 2023 in between 10.00 am. to 1.00 pm.
- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.
- (iv) The applicant shall regularly attend the proceedings before the jurisdictional Court.

- (v) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Application stands disposed.

[N. J. JAMADAR, J.]