

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

ANTICIPATORY BAIL APPLICATION NO. 154 OF 2023

1. Mr. Vikas Krushna Repale
2. Mrs. Rupali Vikas Repale
3. Mrs. Namrata Sushant Jadhav-Bhosale ..Applicants
VS.
The State of Maharashtra ..Respondent

**WITH
INTERIM APPLICATION NO. 314 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 154 OF 2023**

Prashant Jadhav ..Applicant

In the matter between

Mr. Vikas Krushna Repale and Ors. ..Applicants
VS.
State of Maharashtra and Anr. ..Respondents

Mr. Manoj Mohite a/w Mr.Vinay Bhanushali, for the Applicant.
Ms. P. N. Dabholkar, APP for the State.
Mr. Pritesh Burad a/w Twinkle Gadhiya i/b Pritesh Burad Associates, for Intervener.
Ms. Vaishali Raskar, Police Inspector, Wagale Estate Police Station present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 25, 2023

P.C. :

1. Heard learned counsel for the applicants and learned APP.

2. This is an application for pre-arrest bail. The applicants are apprehending arrest in connection with C.R.No. I-303 of 2022 dated 31/12/2022 registered with Wagale Estate Police Station for offence punishable under sections 143, 144, 147, 148, 149, 326 of the Indian Penal Code, 1860 ("IPC", for short) and sections 37(3), 135 of Bombay Police Act.

3. The FIR is dated 31/12/2022. The applicants no. 1 and 2 are husband and wife. The applicants are connected with political parties. Applicants no. 1 and 3 are ex-corporators of Thane Municipal Corporation. Applicants no. 2 and 3 are women. The complaint was filed by the complainant who is the resident of the same Society where the applicants as well as the complainant are residing. The incident took place on 31/12/2022. The dispute was over removal of banner which the complainant had put up. The applicants wanted the complainant to remove the banner as

the same was coming in the way of decorations for the new year celebration. There was a dispute over the removal of the banner between the complainant and applicants group. It is the contention of the complainant that 10-12 accused persons of the group belonging to the applicants assaulted him. Accused were armed with iron rods and bamboo stick. The complainant suffered grievous injuries. One of the injury was on the head. The injury on the head is attributed to one of the accused -Ashok Bodhane who has since been released on bail.

4. There is cross complaint filed by the applicant no. 3 under section 354, 324, 323, 504, 345, 34 of IPC against the complainant. The present complainant is alleged to be assaulted with an iron rod at the time assault.

5. The role attributed to the applicant no.1 is that he provoked the other accused to assault the complainant. Learned counsel for the complainant submitted that there are several antecedents reported against the applicant no. 1.

6. Considering the nature of the accusations and as the

main allegation of assault is against co-accused Bodhane, the applicants can be released on bail. Applicants no. 2 and 3 are women. The custodial interrogation of the applicants is not required. There is nothing to be recovered from them. The accused who assaulted the complainant has been arrested and since been granted bail. There are cross FIRs in the present case where it is alleged that the complainant has outraged the modesty of applicant no. 3. The applicants cannot be deprived of the facility of anticipatory bail only because there are antecedents reported considering the facts and nature of the accusations against them. In this view of the matter, application deserves to be allowed. Hence, the following order.

ORDER

(a) The application is allowed.

(b) In the event of arrest of the applicants in connection with C.R.No. I-303 of 2022 dated 31/12/2022 registered with Wagale Estate Police Station, the applicant-1- Mr. Vikas Krushna Repale , applicant no. 2- Mrs. Rupali Vikas Repale, applicant no. 3-Mrs. Namrata Sushant Jadhav-Bhosale be released on bail on their furnishing P.R. Bond in the

sum of Rs.25,000/- each with one or more local sureties in the like amount;

(c) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence;

(d) The applicants shall report to the investigating officer on 30th, 31st January 2023 and 1st February 2023 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called and co-operate with the investigation.

(e) The applicants shall not threaten the witnesses or tamper the evidence.

4. The anticipatory bail application is disposed of. The interim application also stands disposed of.

(M. S. KARNIK, J.)