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

ANTICIPATORY BAIL APPLICATION NO.708 OF 2023

1. Magan Gajmal Pawar	...
2. Akash Magan Pawar	...
3. Akshay Magan Pawar	...Applicants
vs.	
The State of Maharashtra	...Respondent

Mr. Dilip B. Shinde for the Applicant.

Mr. H. J. Dedhia APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 20TH MARCH 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.

2. There are two FIRs registered with Navghar police station. One being C.R. No.983 of 2022 registered at the instance of present Applicant-Magan Pawar. It is against two unknown persons, who are labourers working in Vandhana Kirana Bhandar, Bhayander (East). They have abused the first informant on account of his caste. The incident took place on 21st December 2020, at 9 pm. The police have registered an offence under sections 3(1)(r), 3(1)(s), 3(1)(za)(D) of *the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989*.

3. Whereas there is another crime registered being C.R. No.984 of 2022, registered with the same police station under sections 354, 452, 504, 506 read with 34 of IPC. It is on the complaint of the first informant-Atashi Sharma. Her husband runs grocery shop by name Vrindavan Dhanya Bhandar. There is CCTV installed in the shop. On 21st December 2021, at about 9.30 pm when she was sitting in her house, she saw some quarrel going on in the shop. She went to shop. She had witnessed shop owner of nearby shop and two unknown persons were quarrelling with her husband. When she tried to convince them they have manhandled her and outraged her modesty. The present Applicants were apprehending arrest in this offence.

4. Learned APP submitted that there are statements recorded in support of the contention of the first informant. Be that it may, there custodial interrogation is not required. I am inclined to grant anticipatory bail application to the Applicants. It is important to note that even though both the incidents occurred at same place, the FIR filed by the Applicant-Magan was registered on 22nd December 2022, at 20.15 hours whereas the FIR in which Anticipatory Bail is sought, is registered on same day at later point of time I.e. at 21.36 hours. It means it is lodged afterwards. The case for anticipatory bail is made out. Hence the following order is passed :

ORDER

- (a) In the event of arrest, Applicant No.1-Magan Pawar, Applicant No.2-Akash Pawar and Applicant No.3-Akshay Pawar be released on bail on furnishing personal bond and surety bond of

Rs.15,000/- each in C.R. No.984 of 2022 registered with Navghar police station, Thane on 22nd December 2022, for the offences punishable under sections 354, 452, 504, 506 read with 34 of IPC.

- (b) The Applicants shall not threaten the prosecution witnesses or allure them in any manner
- (c) The Applicants shall give attendance to the Navghar police station, Thane on every first and third Saturday of every month from 10 am to 12 noon for three months.
- (d) Needless to say, violating of the condition above will make the Applicants liable for cancellation of anticipatory bail after notice.

5. Application is disposed of accordingly.

6. These are my prima facie observations and the trial Court may not be influenced by that.

7. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]