

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

ANTICIPATORY BAIL APPLICATION NO. 1271 OF 2023

Vijay Laxman Gaikwad

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr.Rohan Hogle i/b. Mr.Sharan Bhagat – Advocate for Applicant.

Mr.S.R.Agarkar – APP for Respondent-State.

Mr.G.F.Tanwar – PSI – Thane Rural.

CORAM : S. M. MODAK, J.

DATED : 3RD JULY 2023

P.C. :

1. Heard learned Advocate for the Applicant and learned APP
The Investigating Officer is present.

2. There are in all four Accused persons in the FIR registered at
Kulgaon Police Station – Thane Rural vide C.R. No. 32 of 2023. The
incident is reported on 2nd March, 2023 under Sections 354, 392,
323, 504, 506 read with 34 of Indian Penal Code, 1860 [“IPC”] on
the complaint of one Kalpana Siddharth Jadhav. The Accused are
residents of the same locality. There is dispute arose on account of
the drainage water of the house of the applicants. The Accused are
relatives interse and they have not erected a guttar and that is why,

their drainage water is flowing in the direction of the house of the First-Informant.

3. On 2nd March, 2023 at about 9.30 a.m., Kalpesh Jadhav – the brother of the First-Informant went to Kulgaon Police Station. In fact, the First-Informant is residing at Ambernath. After sometime, again the First-Informant called her mother Suman Jadhav and mother informed her about the incident wherein four Accused threatened her. As a result, the First-Informant went to the house of the mother and when she was standing outside the house of her mother, her modesty was outraged and her mangalsutra was robbed.

4. The Applicant has got different version to tell. In fact, there is a counter FIR lodged by sister of the present Applicants at C.R. No. 31 of 2023 on the same day under Sections 354, 323, 504, 506 read with 34 of IPC. Furthermore, it is contended that in fact, the mangalsutra was not snatched and in the photos taken from the CCTV cameras, the First-Informant is visible having that mangalsutra. Those photographs are taken on record and marked as Annexure-X.

5. As against this, learned APP invited my attention to the supplementary statement of the First-Informant recorded on 28th

March, 2023 wherein she has reiterated about snatching of mangalsutra.

6. On reading the investigation papers, it reveals that the statement of the First-Informant was recorded under Section 164 of the Code of Criminal Procedure, 1973 [“Cr.P.C.”] wherein she has not stated anything about snatching of mangalsutra.

7. Considering the rival versions against each other and some inconsistency in between the statement of the First-Informant, I am inclined to grant anticipatory bail to this Applicant subject to conditions. Hence, order :-

O R D E R

- (i) In case of an arrest in connection with C.R. No. 32 of 2023 registered with Kulgaon Police Station – District : Thane Rural for the offences punishable under Sections 354, 392, 323, 504, 506 read with 34 of IPC, the Applicant Vijay Laxman Gaikwad be released on furnishing personal bond and surety bond of Rs.25,000/-.
- (ii) Applicant is directed to give attendance to Kulgaon Police Station – District : Thane Rural on first and third Sunday from 10.00 to 12.00 till filing of charge-sheet.
- (iii) Applicant not to threaten the Prosecution witnesses or to allure them in any manner.
- (iv) In case of breach of any of the conditions, the bail of the Applicant is liable to be cancelled after notice.

8. These are my *prima facie* observations. Let the learned trial

Court need not be influenced by them.

9. Application is disposed of in the aforesaid terms.
10. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]