

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

ANTICIPATORY BAIL APPLICATION NO.1831 OF 2023

Ramavtar Jeetu Yadav	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Dwivendra Dubey with Jitendra Yadav with Shailendra Dubey
for the Applicant.

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

Mr. Ganesh Kekan, API, Naigaon police station present.

CORAM : S. M. MODAK, J.

DATED : 7TH AUGUST 2023

P. C. :

1. Heard learned Advocate for the Applicant and
learned APP for the Respondent-State. The officer from Naigaon
police station is present.

2. The offence is registered being C.R.No.36 of 2023,
with Naigaon police station under Sections 354, 354B, 341, 441,
446, 143, 323, 504, and 506 of the Indian Penal Code. The first
informant is one Megha Pratap Mhatre. When she has visited
site on 6th April 2023, at about 6.30 am, she was manhandled
and her modesty was outraged by co-accused Shiva Nair. The

said Shiva Nair was instructed to do so on mobile by present Applicant and one Hussain Subhaniya. FIR came to be lodged on 6th April 2023.

3. Learned Advocate for the Applicant made the following submissions :-

- (i) Admittedly, the Applicant was not present on the spot.
- (ii) This FIR is counter blast to an FIR lodged by one Shiva Nair against present first informant Megha and four others. All of them have beaten him on 6th April 2023.
- (iii) At about 3.30 am when the first informant was at site, one truck driver was unloading soil from his truck, the first informant Shiva Nair got astonished. He called control room at about 7 am, the present first informant Megha and four others came at site and taken first informant-Shiva Nair to task and physically abused him.

4. After hearing both sides and considering allegations, there is no need to have custodial interrogation. Admittedly, the Applicant was not present at the spot.

5. The case for grant of anticipatory bail is made out.

Hence the Order:-

ORDER

- (i) Anticipatory bail application is allowed.
- (ii) In case of arrest in connection with C.R. No.36 of 2023, registered with Naigaon police station for the offence punishable under Sections 354, 354B, 341, 441, 446, 143, 323, 504, and 506 of the Indian Penal Code, the Applicant-Ramavtar Jeetu Yadav, be released on furnishing Personal Bond and Surety Bond in sum of Rs.15,000/-.
- (iii) Applicant shall not threaten the prosecution witnesses.
- (iv) Applicant to cooperate with police as and when required.

5. It is made clear that these are my *prima-facie* observations.

6. Anticipatory bail application is disposed of in the aforesaid terms.

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

[S. M. MODAK, J.]