

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO.2103 OF 2023

Shivaji Maruti Papade	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Raviraj Paramane, for the Applicant.

Mr. Pandurang H Gaikwad, APP for the State-Respondent.

Mr. S. B. Shinde, Junnar police station, Pune.

CORAM : AMIT BORKAR, J.

DATED : JULY 27, 2023

P.C.:

1. Apprehending arrest in connection with C.R.No.165 of 2023 registered with Junnar police station, for offences punishable under Sections 354, 327, 143, 147, 149, 504, 323, 506 and 427 of the Indian Penal Code, 1860 (for short 'IPC'), the applicant is seeking relief of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.').

2. According to prosecution, the alleged incident took place on 5 May 2023 at about 13:30 hours at village Kabadwadi Padali, Taluka Junnar, District Pune. On the fateful day, the complainant's brother-in-law namely Shivaji Papade and his wife namely Surekha Papade were constructing in the common land of the complainant and them, at that time, there was discussion between them and the

complainant told that there is no partition of the place of their land and refund to construct the same. Applicant No.1 embraced the complainant from front side and outraged the modesty of the complainant. Accordingly, report was lodged to respondent police station.

3. The applicant, therefore, filed application under Section 438 of Cr.P.C. before learned Sessions Judge which came to be rejected by order dated 13 June 2023. Aggrieved thereby, the applicant has filed the present anticipatory bail application.

4. On perusal of the material on record, it appears that there is dispute amongst parties as regards immovable property. Cross reports have been filed by the parties against each other in relation to same incident. The role attributed to the applicant is of embracing the victim from front side in the scuffle. Considering the nature of allegations and the nature of dispute between the parties, custodial interrogation of the applicant is not necessary. Therefore, the applicant has made out a case for grant of relief. Hence, following order:

a) In the event of arrest in connection with C.R.No.165 of 2023 registered with Junnar police station, for offences punishable under Sections 354, 327, 143, 147, 149, 504, 323, 506 and 427 of IPC, the applicant be released on bail on furnishing P.R. bond of Rs.15,000/-, along with one or two sureties in the like amount.

b) The applicant shall mark his attendance with the concern police station on 1st, 3rd and 5th August 2023

between 11:00 am to 2:00 pm and thereafter, as and when called by the investigating officer.

c) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.

5. The anticipatory bail application stands disposed of. No costs.

(AMIT BORKAR, J.)