

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2868 OF 2023**

Kishore D. Sawant	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Laxmikant M. Shukla with Ms. Arti Dharamsey for Applicant.
Mr. Shrikant H. Yadav, APP for State.
Mr. B. Pawar, PSI, MHB Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 13 OCTOBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.598 of 2021 registered with MHB Colony Police Station for the offences punishable under Sections 342, 354, 324, 509, 323, 506 read with Section 34 of the Indian Penal Code.
3. The first informant lodged a report with the allegations that on 18 July 2021, the co-accused Jitendra and Vasanti had entered into her house. Initially, co-accused Jitendra tried to outrage her modesty. Later on, applicant and other accused also barged into her house and the applicant abused and assaulted her. The first informant further alleged that the applicant also tried to outrage her modesty.
4. The learned Counsel for the Applicant submitted that in respect of the very same occurrence, the sister of the applicant had lodged a report with MHBC

Police Station for the offences punishable under Sections 453, 342, 323, 504 of IPC. The applicant has been falsely roped in to take advantage of the prosecution in the matrimonial proceedings instituted by the husband of the first informant in the said FIR No.610 of 2021.

5. The learned APP resisted the application. It was submitted that the Court of Session had rejected the application on 25 August 2022 and yet the applicant had not approached this Court for more than one year. On this count alone, the learned APP submitted, the application deserves to be rejected.

6. I have perused the allegations in the FIR. The incident allegedly occurred on 18 July 2021. Upon perusal of the allegations in the FIR, it becomes evident that the allegations of initial assault, insult and the outraging the modesty were attributed to the co-accused Jitendra, and Vasanti. Later on, it seems, after hearing the commotion, the applicant also entered into the said house and allegedly abused and assaulted the first informant. Even if the allegations are taken at par, whether the offence punishable under Section 354 of IPC can be said to have been made out against the applicant, appears to be debatable. At this length of time, the custodial interrogation of the applicant also does not seem to be warranted.

7. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Kishore D. Sawant in connection with C.R.No.598 of 2021 registered with MHB Colony Police Station, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The Applicant shall co-operate with the investigation and report to MHB Colony Police Station on 25th and 26th October 2023 in between 10.00 a.m. to 1.00 p.m.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(iv) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(v) The Application stands disposed.

(N.J.JAMADAR, J.)