

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3227 OF 2022**

1. Vishal Alias Bahvadiya Gaikwad

2. Kranti Saudagar Akhade ...Applicants

Versus

The State of Maharashtra and anr. ...Respondents

.....

Mr. Abdul Kader for the Applicant.

Mr. P.H. Gaikwad Patil, APP for the State.

Mr. Sujay Gangal for Respondent No. 2.

Mr. Jitendra Girnar, PSI, Wakkad Police Station, Present.

.....

CORAM : N.R. BORKAR, J.

DATED : 11 JANUARY 2023

P.C. :-

This is an application under Section 438 of the Code of Criminal Procedure.

2. The applicants are apprehending their arrest in Crime No. 735 of 2022 registered at Wakkad police station for the offences punishable under Sections 354-A, 324, 341, 336, 427, 141, 143, 147, 149, 504 read with 34 of the Indian Penal Code and Sections 7 and 8 of Protection of Children from Sexual Offences Act.

3. On the day of incident, which took place on 28th August 2022 at about 11.30 pm, the brother of the complainant was going by auto-

rickshaw to drop his Sister-in-law and Brother-in-law to their house. It is alleged that all of sudden the applicant No. 1 came in front of their auto-rickshaw due to which, the brother of the applicant was required to stop his auto-rickshaw. It is alleged that the applicant No. 1, then without saying anything started assaulting the brother of the complainant by fist blows. It is alleged that applicant No. 1, then caught hold of the hand of the Sister-in-law of the complainant's brother and tried to pull her out from the auto-rickshaw. It is alleged that he then torn her dress and pressed her breast. According to the prosecution when the incident was going on the complainant and his family members and also the family members of the applicant No. 1, came there. It is alleged that when the complainant tried to intervene, he too was assaulted by the applicant No. 1 and his family members.

4. I have perused the FIR. The FIR does not reveal any reason for alleged assault. There is a cross FIR. In the cross FIR, it is alleged that as the brother of the complainant was driving the auto-rickshaw in a rash manner dispute arose between him and applicant No. 1. The cross FIR is also inter alia for the offences punishable under Section 354-A, and 307 of the Indian Penal Code. Considering the facts and circumstances of the case and as there are no other criminal antecedents, I am inclined to release the applicants on anticipatory bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) In the event of arrest of applicant No. 1 Vishal Alias Bahvadiya Gaikwad and applicant No. 2 Kranti Saudagar Akhade in Crime No. 735 of 2022 registered at Wakkad police station for the

offences punishable under Sections 354-A, 324, 341, 336, 427, 141, 143, 147, 149, 504 read with 34 of the Indian Penal Code and Sections 7 and 8 of Protection of Children from Sexual Offences Act, they shall be released on bail on furnishing PR bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount.

(iii) The applicants shall attend the concerned police station once in a month i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.

Digitally
signed by
MANGALTAI
JAYWANT
JADHAV
Date:
2023.01.16
18:23:09
+0530

(N.R. BORKAR, J.)