

PMB

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3398 OF 2022**

KRUSHNA GUNDIBA ARANE AND ANR. ..APPLICANTS
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Ms. Bhagyashree Mangale for applicants.
Mr. S. V. Gavand, APP for State.
Mr. S. S. Harale, Karmala Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 4, 2023.

P.C. :

- 1.** Heard learned counsel for the applicants and learned APP for the State.
- 2.** This is an application for pre-arrest bail in respect of the offence punishable under Sections 143, 147, 148, 149, 452, 326, 324, 354, 354-B, 323, 504 and 506 of the Indian Penal Code, 1860 (hereafter "the IPC", for short) in connection with C.R. No.354 of 2022 dated 03/05/2022 registered with Karmala Police Station, Karmala, District Solapur.
- 3.** Learned APP submits that the applicants have attended the Investigating Officer as directed by this Court.

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Considering the nature of the allegations, on 08/12/2022 the following order was passed by this Court :-

"Heard Ms Rekha Musale, learned Counsel for the Applicants and Mrs M. M. Deshmukh, learned APP for the State.

2. This is an application for pre-arrest bail in connection with C.R. No.354 of 2022 registered at Karmala Police Station, Karmala, District-Solapur, against the Applicants for the offences punishable under Sections 326, 452, 354, 354(B), 324, 323, 504,506, 134, 147, 148 and 149 of the Indian Penal Code.

2. Mr Ravindra Nanasaheb Shinde (the first informant) lodged a report with the allegations on 2.5.2022, at about 8.30 p.m., the accused Pramod, his father-in-law Ajinath (Applicant No.2 herein), brother-in-law Ganesh and son of a sister-in-law (Applicant No.1 herein), carrying sticks entered into the house of his uncle Jalinder Shinde and assaulted him. When his sister tried to intervene, the Applicants also assaulted her as well. In the scuffle, Applicants allegedly tore off the clothes of the sister of the first informant and thereby outraged her modesty.

3. The learned Counsel for the Applicants submitted that one cross case is also lodged against the uncle of the first informant Jalinder Shinde and others. There was no intention to outrage the modesty of the sister of the first informant. The first informant has given an exaggerated version of the occurrence.

4. From the tenor of the First Information Report, there appear to be long standing disputes between both sides. The question as to whether there was an intention on the part of the Applicants to outrage the modesty of the sister of the first informant warrants consideration. A cross case has been registered against the said Jalinder Shinde, and, others vide C.R.

No.355 of 2022 for the offences punishable under Sections 324, 323, 504, 506 r/w Section 34 of the Indian Penal Code.

5. For the preceding reasons, I am inclined to protect the liberty of the Applicant till the matter is considered after providing an opportunity to the prosecution. Hence, the following order.

ORDER

- a) Issue notice to the Respondent returnable on 4 January 2022.
- b) In the meanwhile, in the event of arrest of the Applicants in C.R. No.354 of 2022 registered at Karmala Police Station, Karmala, District-Solapur, they be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- each and one or two sureties in the like amount.
- c) The Applicants shall not tamper with the prosecution evidence and or give threat or inducement to any of the prosecution witnesses.
- d) The Applicants shall cooperate with the investigation and attend Karmala Police Station every Sunday between 10.00 a.m. and 1.00 p.m. till the next date."

4. Learned APP on instructions submitted that the applicants are not being proceeded with Section 326 of the IPC. In this view of the matter, as the applicants have co-operated, the custodial interrogation of the applicants is not necessary in the present case. The interim order passed by this Court on 08/12/2022 needs to be confirmed and is accordingly confirmed. Hence, the following order :-

ORDER

(i) In the event of arrest of the applicants in connection with C.R. No.354 of 2022 registered with Karmala Police Station, Karmala, District Solapur, they shall be released on their furnishing a P.R. bond in the sum of Rs.25,000/- each with one or two sureties in the like amount.

(ii) The applicants to co-operate with the Investigating Officer.

(iii) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(iv) The applicants to report to the concerned police station as and when called.

5. Anticipatory Bail Application stands disposed of.

(M. S. KARNIK, J.)