

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3475 OF 2023**

Pramod Rabhaji Pawar and Anr. ... Applicants
versus
State of Maharashtra ... Respondent

Mr. Samir A. Vaidya with Mr. Prathamesh D. Sarang, Mr. Kaivalya M. Raul, for Applicants.
Smt. A.A.Takalkar, APP for State.
Mr. R.B.Gopal, PSI, Badlapur (E) Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 12 DECEMBER 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.300 of 2023 registered with Badlapur Police Station for the offences punishable under Sections 354, 323, 452, 427, 504 read with Section 34 of the Indian Penal Code.
3. On 12 November 2023 at about 10.00 p.m., while the accused No.1 and his wife Pooja, co-accused, were burning fire crackers along with the first informant and family members at Pranji Garden, Phase 3, Katrap, Badlapur, a fire cracker fell on the sari of the first informant. An altercation ensued. Fisticuffs followed.
4. At about 10.30 p.m., co-accused Pooja and the applicants allegedly barged into the house of the first informant and assaulted the husband of the first informant by means of fist and kick blows. The applicant No.2 had allegedly outraged

the modesty of the first informant. Hence, the report.

5. The learned Counsel for the applicants submitted that the first informant had, in fact, initially assaulted the applicant No.1. A minor incident has been blown out of proportion. Custodial interrogation of the applicants is not warranted. Co-accused Pooja has been granted pre-arrest bail.

6. Learned APP resisted the prayer for pre-arrest bail.

7. Perused the allegations in the FIR and the investigation papers. The medical papers reveal that the first informant had sustained blunt trauma on the neck and head. Prima facie, it appears that a minor incident of fire crackers falling on the person of the first informant, lead to initial altercation and a free fight. The allegation of house trespass is required to be seen in the context of the earlier quarrel between the parties. As regards, the allegation of outraging the modesty of the first informant, whether the applicant No.2 had the intention or knowledge to outrage the modesty of the first informant where the parties indulged in fisticuffs is a matter for trial. The applicants appear to have a fixed place of abode. Possibility of fleeing away from justice seems to be remote.

8. In the aforesaid view of the matter, I am persuaded to exercise discretion in favour of the applicants.

9. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicants – Pramod Rabhaji Pawar and Rohit Rakhmaji Pathare in connection with C.R.No.300 of 2023 registered with Badlapur East Police Station, they be released on bail on furnishing a PR bond in the sum of Rs.30,000/- each with one or two sureties in the like amount.

(ii) The Applicants shall co-operate with the investigation and report to Badlapur Police Station on 20th and 21st December 2023 in between 10.00 a.m. to 1.00 p.m., and, thereafter, as and when directed.

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

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

(v) The application stands disposed.

(vi) It is, however, clarified that the observations are confined to the consideration of entitlement for pre-arrest bail and the trial Court shall not be influenced by any of the observations in further proceedings.

(N.J.JAMADAR, J.)