

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2236 OF 2024

Kiran Subhash Nanaware ... Applicant
Vs.
State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO.3460 OF 2024
(Not on Board. Taken on Board.)
IN
ANTICIPATORY BAIL APPLICATION NO.2236 OF 2024

Reshma Sunil Jagdale ... Intervener

In the matter between:

Kiran Subhash Nanaware ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Niranjan Bhavke a/w. Drishti Madhani i/b. Bhavake and Associates for Applicant.

Mr. Sagar R. Agarkar, APP for Respondent-State.

Mr. Prabhakar M. Jadhav for Intervener.

Mr. V. B. Bharate, H.C., Karmala Police Station.

CORAM : MANISH PITALE, J.

DATE : AUGUST 28, 2024

P.C. :

. Heard Mr. Bhavke, learned counsel for the applicant, Mr. Agarkar, learned APP for the respondent-State, as also Mr. Jadhav, learned counsel for the first informant, who has filed intervention application to oppose the present anticipatory bail application.

2. The FIR is registered on the basis of statement dated 09.07.2024 given by the informant. She has stated, in detail, as to how on 08.07.2024 in the evening, the incident in question took place wherein according to her, the applicant and others entered into the field of the

informant and carried out the assault. There are specific allegations against the applicant of having sat on the body of the informant and uttering specific words, thereby giving rise to the offence of outraging the modesty of the informant. Thereafter, it is alleged that the applicant attacked the informant by means of a knife. The other accused persons assaulted the informant and others.

3. The learned counsel for the applicant submits that there is a background to the aforesaid incident. It is submitted that pressure is sought to be created on the applicant by getting such offences registered against him, as a counter-blast to a case pending against the husband of the informant at the behest of the wife of the applicant, who was allegedly raped by the husband of the informant. It is submitted that even in respect of the present incident, a report pertaining to non-cognizable offence (NCR) was registered on 09.07.2024 itself at the behest of the mother of the applicant, wherein the informant and her husband have been specifically named as accused. It is submitted that the other accused persons have been granted anticipatory bail by the Sessions Court and therefore, this Court may consider granting relief to the applicant.

4. On the other hand, the learned APP has vehemently opposed the present application. He has tendered copies of the injury certificates of the informant and other victims to emphasize that there are injuries suffered by the victims, which are relatable to the specific allegations made against the applicant. He submits that the theory of counter-blast cannot be considered at this stage.

5. The learned counsel appearing for the intervenor supported the submissions made by the learned APP. He submits that a video of the incident is available, which shows in graphic detail, as to the acts undertaken by the applicant at the time of the incident.

6. This Court has perused the material on record, particularly the statement of the informant leading to registration of the FIR. There are specific allegations against the applicant of having entered the field of the informant, the manner in which she was pushed, thereafter the applicant sat on her body and uttered words that *prima facie* would amount to outraging her modesty and there are specific allegations about the applicant having assaulted the informant by means of knife on various parts of her body. A perusal of the injury certificate tendered by the learned APP shows as many as five injuries on the body of the informant, of which four are incised wounds. This indicates the major role of the applicant in the incident in question.

7. As regards the earlier case wherein the husband of the informant is an accused, the FIR itself is dated 07.08.2023 and the aforementioned case is pending for more than a year. In the said case, the husband of the informant was arrested and granted regular bail. As regards the NCR dated 09.07.2024, merely because the same was registered, cannot be a ground for the applicant to claim relief of anticipatory bail, particularly when the aforementioned specific overt acts are attributed to him.

8. No case is made out for granting anticipatory bail. The application is dismissed.

9. In view of the above, the intervention application is also disposed of.

(MANISH PITALE, J.)