

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 347 OF 2024

1. Subhash Jagannath Karambale
2. Arun Anant Yadav
3. Narsiya Laxmi Bommadi ..Applicants
Versus
The State of Maharashtra ..Respondent

Ms. Megha Bajoria a/w. Prashant Tadlapurkar i/b. Legal Hopes for Applicant.

Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 6 FEBRUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.12 of 2024 registered at Dindoshi Police Station, Mumbai, on 05.01.2024, under sections 354, 504 and 506(II) r/w. 34 of the Indian Penal Code.

2. Heard Ms. Megha Bajoria, learned counsel for the applicants and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. The F.I.R. is lodged by the victim. She has stated that,

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there was a dispute between the society members and the nearby hutment dwellers regarding the freeway passing through their respective places. There used to be frequent abuses and threats issued by the hutment dwellers to the society members. The incident occurred on 05.01.2024 at about 11.30a.m. The first informant and three others had gone to the spot to employ the security guards on that place. At that time, the present applicant and the Applicant No.3's son came there. They started quarreling with the informant's group. It is alleged that the applicant No.3's son outraged her modesty. The applicant No.3 wielded an iron rod and abused the informant. The applicant No.1 also wielded his iron rod; as if he was to assault the informant's group; at that time, the informant's friend fell down. The applicant No.2 and the applicant No.3's son started chasing the informant's group. They were uttering threats and abuses. On these allegations the F.I.R. was lodged.

4. Learned counsel for the applicants submitted that the F.I.R. is motivated. It is lodged as a counter blast to the complaint which the applicant No.2's wife wanted to lodge at the police

station. The said F.I.R. is ultimately lodged vide C.R.No.13 of 2024. In that F.I.R. the applicant No.2's wife had correctly described the incident. The husband of the informant in this case had abused and outraged the modesty of the applicant No.2's wife in that incident. She submitted that, in this view of the matter, since the applicants are falsely implicated, they be protected U/s.438 of the Cr.p.c. She further submitted that, there is hardly any role attributed to the present applicants.

5. Learned APP relied on the averments made in the F.I.R. But she also fairly conceded that a very similar F.I.R. is lodged by the Applicant No.2's wife against the other group.

6. I have considered these submissions. Considering both these F.I.Rs. it appears that, both the groups are not telling the truth. There is enmity between the two groups which had led to that particular incident and registration of two F.I.Rs. In any case, roles attributed to all the three applicants in this application is quite minor. Therefore, their custodial interrogation is not necessary. They can be protected U/s.438 of the Cr.p.c.

7. Hence, the following order :

ORDER

- i) In the event of their arrest in connection with C.R.No.12 of 2024 registered at Dindoshi Police Station, Mumbai, the applicants are directed to be released on bail on their executing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.
- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)