

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

ANTICIPATORY BAIL APPLICATION NO.380 OF 2024

Kishor Shahaji Hulge & Ors.

.... Applicants

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Prashant S. Hagare, Advocate for Applicant.
- Smt. M. H. Mhatre, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 09th FEBRUARY, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.1/24, dated 01/01/2024, registered with Valchand Nagar Police Station, Pune Rural, under sections 354, 354-D, 143, 147, 149, 324, 323, 504, 506 of the Indian Penal Code.

2. Heard Mr. Prashant Hagare, learned counsel for the Applicant and Smt. M. H. Mhatre, learned APP for the State.

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3. The FIR is lodged by the victim herself. She has stated that about one year prior to the FIR, the Applicant No.1 had outraged her modesty in an agricultural land. But at that time, the informant had not made any complaint. On 31/12/2023 all the three Applicants came in front of her house and the Applicant No.1 pulled her towards him. He outraged her modesty. After some time they left from that place. The main incident which is the subject matter of this FIR, took place on 01/01/2024 in the morning at 08.30. The Applicants and others from their group went to the informant's house. They started picking up quarrel. The accused abused them. It is alleged that the Applicant No.1 assaulted the informant with a stone. The others assaulted the informant's husband and brother-in-law with sticks and iron rods. On this basis, the FIR is lodged.

4. Learned counsel for the Applicants submitted that the allegations in the FIR are not true. There was free fight between the two groups. It is evident from the fact that the Applicant No.1's wife had lodged the FIR vide C.R.No.3/2024 on

02/01/2024 at the same police station u/s 354, 324, 323, 504, 506 r/w 34. He submitted that no grievous injuries are caused to anybody.

5. I have considered these submissions. Learned APP produced the injury certificates before me. I have perused these injury certificates. As far as allegations of outraging modesty is concerned, the first incident is about one year prior to the FIR. The second incident was one day prior to lodging of the FIR. But for that, no FIR was lodged. The allegation in that regard are made after the incident of assault. It is also interesting to note that even in the FIR lodged by the Applicant No.1's wife, there are allegation of outraging modesty of the Applicant's No.1's sister-in-law. From the allegations it appears that both the parties are exaggerating the incident and there is element of doubt about the allegations of outraging the modesty. As far as the assault is concerned, there are five injured from the informant's side. All of them have suffered simple injuries and blunt traumas. It appears that it was a free fight between the

two groups. No serious injuries are caused to anybody. In this view of the matter, the custodial interrogation of the Applicants is not necessary. They can be protected u/s 438 of Cr.P.C.

6. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.1/24, dated 01/01/2024, registered with Valchand Nagar Police Station, Pune Rural, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)