

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

ANTICIPATORY BAIL APPLICATION NO.486 OF 2023

1. Somnath Digambar Sonawane,
2. Santosh Digambar Sonawane,
3. Digambar Tulshiram Sonawane,
4. Maya Somnath Sonawane,
5. Archana Sanjay Sonawane,
6. Sheetal Santosh Sonawane,
7. Akansha Kiran Dhamdhare, &
8. Sangita Rajesh Sonawane. Applicants
Versus
The State of Maharashtra & Anr. Respondents

Mr. Vilas B. Tapkir, Advocate for the Applicants.
Smt. M.H.Mhatre, APP for the Respondent-State.
Mr. Shashikant D. Chandak, Advocate (appointed) a/w.
Kanchan S. Chandak for the Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 23rd JANUARY, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.34/2023 registered at Daund Police Station, District-Pune on 16.1.2023 under sections 323, 379, 392, 452, 504, 506 read with 34 of IPC.

2. Heard Mr. Vilas Tapkir, learned counsel for the Applicants, Smt. M.H.Mhatre, learned APP for the Respondent No.1-State and Mr. Shashikant Chandak, learned appointed counsel for the Respondent No.2.

3. The FIR is lodged by one Anuja Sonawane. She is the sister of one Kiran Dhamdere. The Applicant No.7 Akansha is Kiran's wife. All other Applicants are the relatives of the Applicant No.7 Akansha. The FIR mentions that on 16.11.2022 all the accused came to the house of the first informant between 5.30 p.m. to 6.30 p.m. at Alegaon, Taluka-Daund, District-Pune. It was the informant's parental house. The FIR mentions that all these Applicants started abusing the informant. The Applicant No.5 Archana slapped the informant. The Applicant No.4 Maya pulled the informant's hair and assaulted her. The informant's mother Sunita tried to intervene but she was also assaulted. The informant's brother came there. He was also assaulted. In the incident, the informant's and her mother's gold chains fell down. The

accused took them away. After some time all the Applicants left the place. On this basis, the FIR is lodged.

4. Learned counsel for the Applicants submitted that there is a matrimonial dispute going on between the Applicant No.7 Akansha and her husband Kiran. She had lodged C.R. No.31/2023 at Daund police station on 13.1.2023 under Sections 498-A and other sections of IPC. He submitted that the allegations in the FIR are result of the matrimonial dispute and no such incident had taken place. In any case the allegations are not serious. Their custodial interrogation is not necessary. The allegations about taking away of the gold chain are added only to give serious colour to the petty incident.

5. Learned counsel appointed to represent the respondent No.2 i.e. the first informant submitted that considering that all the Applicants had assaulted the first informant, the incident assumes seriousness. There is necessity of custodial interrogation to recover the gold chains.

6. Learned APP produced the investigation papers before this Court and left the matter to the discretion of the Court.

7. I have considered these submissions. I have perused the investigation papers. There is hardly any corroborating material supporting the informant's case. There are no statements of independent eye witnesses recorded by the investigating agency. Therefore, the only corroborating piece of evidence is in the nature of medical certificates. These certificates pertain to the informant Anuja, her mother Sunita and her brother Kiran. All of them have suffered blunt trauma and abrasions. The injuries are simple. The incident appears to be a petty incident. For this kind of incident, custodial interrogation of the Applicants is not necessary. The allegations regarding taking away of the gold chains are vague.

8. The FIR is lodged on 16.1.2023 pursuant to the order passed by the learned Magistrate for directions to investigate under Section 156(3) of Cr.PC. More than one year

has passed. The alleged incident is dated 16.11.2022. Therefore, after all these months, the custodial interrogation of the Applicants is not warranted at all. They can be protected under Section 438 of Cr.P.C. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.34/2023 registered at Daund Police Station, District-Pune, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly.

PRADIPKUMAR
PRAKASHRAO
DESHMANE

Digitally signed by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date: 2024.01.29
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Deshmane (PS)

(SARANG V. KOTWAL, J.)