

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

ANTICIPATORY BAIL APPLICATION NO.1134 OF 2024

Sanket Ashok Meher

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Ms. Kinjal Makhwana, Advocate for Applicant.
- Ms. Rajeshree V. Newton, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 25th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.193/2024, dated 02/04/2024, registered with Badlapur West Police Station, Thane City, under sections 323, 336, 427, 452, 504, 506 r/w 34 of the Indian Penal Code.
2. Heard Ms. Kinjal Makhwana, learned counsel for the Applicant and Ms. Rajeshree V. Newton, learned APP for the State.

3. The FIR is lodged by the Applicant's sister Sapna Gharat. She has stated that there was property dispute between the Applicant and the informant as the brother and sister in respect of the property of their deceased father. The subject matter of this FIR is the incident dated 02/04/2024. It is alleged that at about 05.00 p.m., the Applicant entered her house and went to the first floor. He broke the window of one bedroom and pushed the informant's sister-in-law and mother-in-law. When the informant tried to intervene, she was also pushed. Then he came out of the house and damaged the informant's Rikshaw and a four wheeler. On these allegations, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the incident is not true. It is exaggerated. The Applicant has not committed any offence. In fact, the Applicant's wife had lodged her FIR vide C.R.No.35/2024 at Kulgaon Police Station on 03/04/2024 under sections 354, 354-A, 504 of the IPC. This FIR is in respect of the incident dated 02/04/2024. On that day, at about 04.00 p.m. the present informant's husband had come near her and had outraged her modesty. She submitted that

because of this, a false FIR is lodged against the Applicant to pressurize him.

5. Learned APP opposed these submissions based on the investigation papers which include the Panchanama of the spot and the photographs of the damaged vehicles.

6. I have considered these submissions. The photographs show that the Rikshaw and the four wheeler were damaged. Therefore, at this stage, it is difficult to observe that the incident in question has not taken place. However, there is a possibility that the Applicant had done that act because his wife's modesty was outraged, which is the subject matter of C.R.No.35/2024 of Kulgaon police station. The parties are closely related. In this background, the Applicant's custodial interrogation will not serve any purpose. However, to keep check on the activities of the Applicant, some conditions can be imposed on him, so that there is no further repetition of such offence.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.193/2024, dated 02/04/2024, registered with Badlapur West Police Station, Thane City, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station on every Sunday between 04.00 p.m. to 05.00 p.m. for a period of six months from today.
- (iii) The Applicant shall not cause any harassment to the informant and her family.
- (iv) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)