

[1] ANTICIPATORY BAIL APPLICATION NO.151 OF 2024

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WITH

[2] ANTICIPATORY BAIL APPLICATION NO.1807 OF 2024

Deshmane(PS)

Police Station, Solapur City on 19.10.2023 under sections 327, 354, 354-B, 427, 323, 504 and 506 read with 34 of IPC.

3. Heard Mr. Ritesh Thobde, learned counsel for the Applicants in both ABAs, Smt. M.R. Tidke, learned APP for the Respondent-State in ABA/151/2024 and Mr. S.H. Yadav, learned APP for the Respondent-State in ABA/1807/2024.

4. The Applicant in A.B.A. No.1807/2024 is the mother of the Applicant Siddheshwar in A.B.A. No.151/2024. The FIR is lodged by the victim who was aunt of the Applicant in A.B.A. No.151/2024. Her husband and the Applicant's father were brothers. That means, the other Applicant was the sister-in-law of the first informant. There was a dispute regarding the ancestral property. There are various cases filed against each other. The informant has stated in the FIR that the Applicant Siddheshwar had lodged FIR against her son and, therefore, her son was in jail. There are allegations that the earlier incident between the Applicant and the informant's son Santoshkumar had taken place because of some obscene photographs involving the Applicant Siddheshwar. The informant's son was in custody as Siddheshwar had lodged an F.I.R. against him for causing assault.

On 19.10.2023 at about 8.30 a.m. the informant had gone to her common ancestral house. At that time, both the Applicants came there and started abusing her. The Applicant Siddheshwar was demanding back his photographs. It is alleged that the Applicant Rajeshri pulled her hair and tore her blouse. She snatched her gold-chain. The Applicant Siddheshwar held her indecently and touched her inappropriately. The informant started shouting. The informant dialed '112' and called the police. Even after that the Applicant Rajeshri slapped her. The Applicant Siddheshwar caused damage to the sewing machine. The police came there, took the informant to the police station. She lodged the FIR.

5. Learned counsel for the Applicants submitted that the FIR is lodged against both the Applicants on 19.10.2023 at 9.07 p.m., whereas the Applicant Siddheshwar had lodged his own FIR vide C.R. No.617/2023 on 17.10.2023 at 11.57 p.m. regarding assault caused by the informant's son. He had suffered head injury in that offence. The Applicant Siddheshwar was not in a position to commit this offence. Only by way of counter blast, this FIR is lodged against both the Applicants with malafide intentions.

6. Learned APP produced the investigation papers before me.

7. I have considered these submissions. Besides the statement of the first informant, there are statements of her daughter and son-in-law. They were not the witnesses to the incident and they have only repeated what the informant has stated. There is a spot panchnama which does not show any damage caused by the Applicants. There are no statements of the police who had reached the spot and had taken the informant to the police station. The informant has not produced torn blouse or torn clothes.

8. Thus, there is substance in the submissions of learned counsel for the Applicants that the FIR against the Applicants is a false case lodged only as a counter-blast to the FIR lodged by the Applicant Siddheshwar against the informant's son. In this view of the matter, the Applicants can be protected under Section 438 of Cr.P.C. The Applicants shall cooperate with the investigation. It is made clear that all these observations are made for the purpose of deciding this bail application only.

9. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.619/2023 registered at Faujdar Chavdi Police Station, Solapur City, 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) The Applicants shall attend the concerned police station as and when called and shall cooperate with the investigation.
- (iii) The Applications are disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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by
PRADIPKUMAR
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DESHMANE
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