

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

ANTICIPATORY BAIL APPLICATION NO. 909 OF 2024

1. Baburao Ramdas Kale,
2. Vilas Tukaram Kale ..Applicants

Versus

The State of Maharashtra ..Respondents

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Mr. Priyal G. Sarda a/w. Shubham Sane for Applicants.
Mr. Swapnil V. Walve, APP for State/Respondent.

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CORAM : SARANG V. KOTWAL, J.
DATE : 24 JUNE 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.45 of 2024 registered at Hadapsar Police Station, Pune, on 08.01.2024, under sections 354, 354-B, 452, 323, 504, 506, 143, 147 and 149 of the Indian Penal Code.
2. Heard Mr. Priyal Sarda, learned counsel for the applicants and Mr. Swapnil Walve, learned APP for the State.
3. The F.I.R. is lodged by the first informant. Her elder son 'A' had eloped with the applicant No.1's daughter who was 18

years of age. It is the case of the first informant that, she is not aware as to whether that boy and the girl were staying, but they had got married at Alandi. It is her case that the applicants and their relatives are harassing the informant's family and are threatening her. On 18.12.2023, at about 11:00a.m. both the applicants and other relatives of that girl came to the informant's house. Her husband was locked in a car. The applicants outraged the informant's modesty by touching her inappropriately and committed other forceful acts. On this basis the F.I.R. was lodged. It is her case that, initially the F.I.R. was not lodged out of fear, but since the harassment continued the F.I.R. was lodged.

4. Learned counsel for the applicants submitted that the girl's mother i.e. the Applicant No.1's wife had given a complaint about missing of that girl on 28.11.2023. She lodged her F.I.R. at Paranda police station vide the C.R.No.268 of 2023 on 29.11.2023, under section 363 r/w. 34 of the I.P.C. in which the boy was specifically named. Apart from him, his parents i.e. father of the boy and the present first informant were also named in the F.I.R. He submitted that, because of this grudge and as a counter blast,

the present F.I.R. is lodged against the present applicant. On the previous occasion i.e. on 05.04.2024, the applicants were protected by way of ad-interim relief.

5. Today, the I.O. is present before the Court. Learned APP submitted that custody of the applicants is necessary to find out details of their other relatives. Apart from that, no other submissions were made on behalf of the I.O.

6. I have considered these submissions. There is substance in the submission of the learned counsel for the applicants that the F.I.R. against them appears to be lodged as a counter blast to the F.I.R. lodged by the applicant No.1's wife vide the C.R.No.268 of 2023 at Paranda police station. There is delay of more than 20 days in lodging the F.I.R. against the applicants. Therefore, at this stage, there is sufficient force in the submission that the F.I.R. against the applicants is lodged with malafide intentions. In this background, the applicants' custodial interrogation would not be necessary. If there is any apprehension regarding the safety of the informant's family, as well as, the boy

and the girl who have got married, it is the duty of the police officers to give them protection. It is expected that the investigating agency shall take sufficient steps in that behalf.

7. Hence, the following order :

ORDER

- i) In the event of their arrest in connection with C.R.No.45 of 2024 registered at Hadapsar Police Station, Pune, 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.)