

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1536 OF 2024

Alka Vinod Mandekar		
Vinod Dashrat Mandekar		
Shilpa Dhananjay Mandekar	...	Applicants
Vs.		
State of Maharashtra and another	...	Respondents

Mr. Satyavrat Joshi i/b. Mr. Samay Pawar for Applicants.

Mr. Mayur S. Sonavane, APP for Respondent No.1-State.

Ms. Trupti Patil, PSI Warje Malwadi Police Station, Pune present.

CORAM : MANISH PITALE, J.

DATE : JUNE 14, 2024

P.C. :

1. Heard Mr. Joshi, learned counsel appearing for the applicants and Mr. Sonavane, learned APP appearing for the respondent - State.

2. The applicants are apprehending arrest in connection with FIR No.0168 of 2024 dated 20.04.2024 registered at Warje Malwadi Police Station, District - Pune City for offences under Sections 323, 354, 504, 509 read with Section 354A(1)(i) of the Indian Penal Code, 1860 (IPC).

3. The applicant No.1 is the wife of applicant No.2, while applicant No.3 is sister-in-law of the applicant No.2.

4. As per the statement given by the informant (victim) on the basis of which FIR was registered, the applicant No.2 on 13.04.2024 undertook certain acts in a temple, leading to registration of the FIR. The acts are attributed only to the applicant No.2 while the two lady accused persons i.e. accused Nos.1 and 3 are merely stated to be present at the time of the incident.

5. The documents placed on record give an impression that there is a background of a civil dispute between the families of the informant and the applicants. Copy of the plaint in a pending civil suit before the civil court at Pune is placed on record along with the application. The plaintiff therein is the brother of the applicant No.2, while the defendant is the father of the informant. The applicants are related to the informant and the dispute appears to be related to the very temple wherein the said incident is stated to have occurred.

6. The allegations against the applicant No.2 are that, he misbehaved with the informant and physically touched her, apart from assaulting her at the time of the incident. The FIR, in the present case, was lodged on 20.04.2024, while the incident is said to have taken place on 13.04.2024. There is a delay of seven days in registration of the FIR. It is relevant to note that an NCR was recorded on 13.04.2024 itself at the behest of the applicant against the informant in respect of the said incident.

7. Considering the aforesaid material, this Court is of the opinion that while notice can be issued to the respondent No.2 (informant), the applicants have indeed made out a case for interim relief.

8. In view of the above, issue notice to the respondent No.2, returnable on 09.07.2024. The learned APP has appeared on behalf of the respondent No.1-State.

9. Respondent No.2 shall be served through the investigating officer and for that purpose, the applicants shall provide an additional set of papers to the investigating officer.

10. In the meanwhile, the following interim order is passed:-

A. In the event the applicants are arrested in connection with FIR No.0168 of 2024 dated 20.04.2024 registered at Warje

Malwadi Police Station, District - Pune City, they shall be released on bail on furnishing PR Bond of Rs.15,000/- [Rupees Fifteen Thousand only] each and the surety in the like amount;

- B. The applicants shall appear before the investigating officer on 20.06.2024 and thereafter as and when required by the investigating officer;
- C. The applicants shall not influence the informant, witness or any person concerned with the case and they shall not tamper with the evidence.

11. Needless to say, violation of any of the aforesaid conditions may result in this order being recalled.

12. List on 09.07.2024.

(MANISH PITALE, J.)

Minal Parab