

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

ANTICIPATORY BAIL APPLICATION NO.1536 OF 2024

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

Mr. Satyavrat Joshi a/w Ms. Reena Prajapati i/b Samay Pawar for applicants.

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

Ms. Rachita Padwal for Respondent No.2.

Ms. Asmita Lad, PSI, Warje Malwadi Police Station.

**CORAM : MANISH PITALE, J.
DATE : 25th NOVEMBER 2024**

P.C. :

1. Heard Mr. Joshi, learned counsel appearing for the applicants, Mr. Sonavane, learned APP for the State and Ms. Padwal, learned counsel for the respondent No.2.

2. In this application, on 14.06.2024, this Court granted interim order in favour of the applicants, subject to specific conditions including a direction to appear before the Investigating Officer on specific dates and thereafter as and when called by the Investigating Officer. The interim order was to continue to operate till the next date.

3. One of the grievances raised by the respondents was that the applicants had not appeared on all dates on which they were called by the Investigating Officer. On the other hand, it was claimed by the applicants that they had appeared, but acknowledgments were not issued.

4. In the backdrop of the conflicting claims, on 22.10.2024, this Court

directed the applicants to specifically appear before the Investigating Officer on 25.10.2024 and thereafter, as and when called so as to co-operate with the investigation.

5. Today, the learned APP, on instructions, makes a statement that the applicants indeed abided by the specific directions issued by this Court in the order dated 22.10.2024, and that they had co-operated with the investigation.

6. It is relevant to note that while granting interim relief in favour of the applicants in the order dated 14.06.2024, this Court observed as follows:

“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.”

7. The above quoted reasons hold good for allowing the application itself particularly because the applicants have co-operated with the investigation.

8. Although the learned counsel for the respondent No.2 relied upon a pending proceeding before a Division Bench of this Court i.e. Criminal Writ Petition No.5908 of 2019, which pertains to similar allegations made by the respondent No.2 against the applicants on an earlier occasion, this Court is not impressed with the submission that due to pendency of the said writ petition, this anticipatory bail application may also be kept pending. Since this Court is convinced that sufficient grounds are made out for granting relief in the application and also because the applicants have co-operated with the Investigating Officer, this Court is inclined to allow the application.

9. In view of the above, the interim order dated 14.06.2024 is made absolute, and the application is allowed, subject to the applicants continuing to co-operate with the investigation. They shall not tamper with the evidence, and they shall also not influence the informant, witnesses or any other persons concerned with the case.

(MANISH PITALE, J.)

Ajit Pathrikar