

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1643 OF 2024

Omkar Sunil Waikar ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Narayan Sitaram Pawar for Applicant.
Mr. Tanveer Khan, APP for Respondent-State.
Mr. Avinash Mohan Karad, PSI, Chatushrungi Police Station, Pune City.

CORAM : MANISH PITALE, J.
DATE : JULY 26, 2024

P.C. :

. Heard Mr. Pawar, learned counsel for the applicant and Mr.Khan, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0274 of 2024 dated 26.03.2024 registered with Chatushrungi Police Station, District - Pune City, for offences under Sections 323, 354, 504 and 506 of the Indian Penal Code, 1860 (IPC).

3. Although the learned APP has opposed relief in the present application, this Court is inclined to grant interim order for the following reasons:-

- a. The applicant had caused FIR No.0269 of 2024 dated 25.03.2024 to be registered against the husband of the informant in the present case and two other persons. In the said FIR, the statement of the applicant shows that according to him, the husband of the informant in the present case along with two other persons had entered his house and assaulted him. This was in the backdrop of the claim of the accused

persons in that case that the applicant had looked at them in an aggressive manner, which was not liked by them.

- b. The FIR concerning the present application, wherein the applicant is the sole accused person, shows that according to the informant on 25.03.2024, the applicant had acted in a particular manner, which outraged the modesty of the informant. The subject FIR is subsequent to the aforesaid FIR registered at the behest of the applicant. Being a case of cross FIR, *prima facie* it appears to be a case of counter blast.
- c. The applicant does not have any criminal antecedents and he is ready to co-operate with the investigation.

4. In view of the above, the following interim order is passed:-

- A. Till the next date, in the event the applicant is arrested in connection with FIR No.0274 of 2024 dated 26.03.2024 registered with Chatushrungi Police Station, District - Pune City, he shall be released on bail on furnishing PR Bond of Rs.15,000/- [Rupees Fifteen Thousand only] with one or two sureties in the like amount;
- B. The applicant shall remain present before the investigating officer on 29.07.2024 between 10:00 a.m. and 12 noon and thereafter as and when required by the investigating officer;
- C. The applicant shall co-operate with the investigation;
- D. The applicant shall not influence the informant, witness or any person concerned with the case and he shall not tamper with the evidence.

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

6. List on 23.08.2024, H.O.B.
7. On the next date of listing, the learned APP shall keep the investigation papers, concerning both FIRs ready for perusal of the Court.

(MANISH PITALE, J.)

Minal Parab