

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

ANTICIPATORY BAIL APPLICATION NO. 2087 OF 2024

Bhajjulal Chunnilal Raikwar	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Mohan Anant Vishnu for the Applicant.
Ms. Megha S. Bajoria, APP for Respondent-State.
M. J. Gaikwad, Head Constable, Uruli Kanchan Police Station,
Pune (Rural).

**CORAM: MANISH PITALE, J.
DATE : 16th AUGUST 2024**

P.C. :

. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No. 0166 of 2024 dated 7th May 2024 registered at Uruli Kanchan Police Station, Dist. Pune, for offences under Sections 354 and 354-A of the Indian Penal Code, 1860 (IPC).

3. The informant in her statement, leading to registration of the FIR, has described as to what happened on 7th May 2024. It is submitted that initially at 10:00 a.m., the applicant reached the house of the informant and asked whether she knows how to perform yoga asanas. Thereupon, he allegedly taught her yoga asanas and thereafter, the applicant left the place. Again at about

2:00 p.m., the applicant allegedly came to the house of the informant and asked her to come to the house of the applicant on the pretext of teaching further yoga asanas and thereafter, acted in the manner described in the statement, which led to registration of the offences against him. The offence under Section 354 of the IPC is non-bailable and punishable for maximum period of imprisonment of five years.

4. The learned counsel for the applicant has highlighted the fact that the applicant is a 63 years old retired railway personnel, with a clean and unblemished record. It is stated that this is a case of false implication and it is alleged that the family of the informant is the tenant and in the backdrop of the dispute regarding pending rent, such a false allegation has been made. It is further alleged that the applicant himself was injured, as he was assaulted during the course of the incident when he demanded arrears of rent. It is alleged that the applicant called the Police in the afternoon itself and at least on two occasions, there was conversation of a few minutes on the number of the Police i.e. 100. It is submitted that the injury certificate also shows that the applicant has suffered 5 injuries, one of which is to his eye.

5. On the other hand, the learned APP submits that the theory of arrears of rent, etc. is not supported by any material. The statement of the informant is absolutely clear as regards objectionable actions undertaken by the applicant at the date and time of the incident. It is submitted that since the applicant was

injured, he was taken for medical treatment and thereafter, he refused to respond to notice issued under Section 41A of the Code of Criminal Procedure, 1973 (Cr.P.C.).

6. While keeping the present application pending, this Court is inclined to grant interim relief to the applicant for the following reasons :

- (i) The applicant is a senior citizen, as aged about 63 years old. He is a retired railway personnel. There is nothing to show any criminal antecedents against him.
- (ii) The applicant himself suffered 5 injuries on the date of the incident, one of which was to his eye. Although, all the five injuries have been classified as simple injuries, it cannot be denied that on the date of the incident, the applicant indeed suffered injuries.
- (iii) In the investigation papers, a document pertaining to general diary details maintained by the concerned Police Station, shows that on 8th May 2024 at about 09:53 a.m., it is recorded that notice under Section 41A of the Cr.P.C. was issued to the applicant in the context of the incident in question. In the course of recording the said details, the diary entry shows that the applicant, who is an accused in the present case, suffered injuries as he was assaulted by “some persons” on 7th May 2024. Since, it is the case of the

applicant that he himself had first approached the Police with regard to his grievance of being assaulted in the backdrop of the alleged arrears of rent being demanded by him from the family of the informant, the aforesaid noting about “some persons” having assaulted the applicant on 7th May 2024, *prima facie* raises some doubt about the manner in which the Police attended to the grievance of the applicant, who was actually injured in the incident in question.

- (iv) The applicant being a senior citizen has undertaken to cooperate with the investigation.

7. 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. 0166 of 2024 dated 7th May 2024 registered at Uruli Kanchan Police Station, Dist. Pune, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount.
- (b) The applicant shall remain present before the Investigating Officer on 19th August 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.
- (c) The applicant shall not, in any manner, contact the informant or her family, during the pendency of this

application. He shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

8. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.

9. List this application for further consideration on 20th September 2024 (High on Board).

MANISH PITALE, J.