

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

ANTICIPATORY BAIL APPLICATION NO. 2944 OF 2024

1. Sachin Ramesh Dorkar
 2. Lakhan Ramesh Dorkar
- ...Applicants

Versus

The State of Maharashtra

...Respondent

- Mr. Ganesh Bhujbal, for Applicants.
- Ms. Megha S. Bajoria, APP for Respondent.
- Mr. Kisan Bhanudas Kantode, Police Constable, Indapur Police Station

CORAM : MANISH PITALE, J.

DATE : 12th NOVEMBER, 2024.

P. C. :

1. Heard, Mr. Bhujbal, learned counsel for the applicant and Ms. Bajoria, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with First Information Report No.0669 of 2024, dated 18.08.2024, registered at Police Station Indapur, District Pune Rural, for offences under Sections 333, 74, 118(1), 115(2), 351(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The informant in the present case is a lady, who has alleged that the applicants who are her brothers-in-law forcibly entered her house when she was in the company of her husband, brother as well as her cousins. The applicants allegedly assaulted the husband of the informant on the ground that

he was having an affair with the wife of one of the applicants. The informant has alleged that she was also physically harassed by the applicants and after having indulged in such activity, the applicants threatened the victim and left the house.

4. The learned counsel for the applicants submits that although there is an allegation that both the applicants had used iron rods during the course of the incident, there is nothing to show the nature of the injuries suffered by the husband of the informant. It is submitted that considering the backdrop of the incident, this Court may allow the application, as the applicants intend to cooperate with the investigation.

5. On the other hand, the learned APP has vehemently opposed the present application, contending that the statement of the informant is enough to indicate the ingredients of the offences registered in the present case.

6. The statement of the informant in the present case clearly establishes the presence of the applicants at the date and time of the incident. The allegation is clear that the applicants entered into the house of the informant and thereupon indulged in the aforesaid activities. Specific overt acts have been alleged against both the applicants with regards to the manner in which they assaulted the husband of the informant by means of iron rods. It is also alleged that even the informant was forcibly held by her

neck, which resulted in the *mangalsutra* being damaged and falling to the floor. It is further alleged that the applicants continued to assault the husband of the informant by way of fists and kicks and after throwing stones at the house, the applicants left the spot of the incident, continuing to threaten the informant and her family.

7. The statement of the informant does make out a strong *prima facie* case against the applicants with regard to the ingredients of the offences registered against them. It is to be noted that offence under Section 74 of the BNS is also registered against the applicants, which pertains to assault by use of criminal force to woman with intend to outrage her modesty. This is a particularly serious offence. The applicants have failed to make out a case in their favour. The application is dismissed.

(MANISH PITALE, J.)