



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 803 OF 2023

Shri Ravindra s/o Baburao Jadhao and others Vs State Of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. M.P. Kariya, counsel for applicants.

Ms. S.S.Thakur, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13/12/2024.

1. Apprehending the arrest at the hands of Police in connection with Crime No. 195/2023 registered with Police Station Sindhkhed Raja, District Buldhana for the offence punishable under Sections 143, 147, 452, 354, 354-B, 395, 376, 376(D), 504, 506, 427 read with Section 149 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of the report lodged by the victim aged about 45 years, on an allegation that on 03/09/2023 at about 4:00 p.m. the present applicant, i.e. Rajendra Bapurao Jadhav, has pulled her Saree and also torn her blouse and subjected her for outraging the modesty. She further alleged that she was also sexually assaulted by the present applicants and also abused by showing the knife. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned counsel for the applicants submitted that subsequent crime i.e. crime No. 195/2023, is registered against them. Only to give a counterblast, earlier the family members of the informant had already lodged the report against them. It is submitted that as far as the allegation regarding the sexual assault is concerned, which is not substantiated by the medical evidence. It is further submitted that as far as the custodial interrogation is concerned, which is not required. In view of that, they be protected by granting anticipatory bail. It is submitted that due to the previous dispute between the two communities, this false First Information Report (FIR) came to be lodged against the present applicants.

4. Learned APP strongly opposed the said application on the ground that considering the serious allegations against the present applicants, the prayer for grant of anticipatory bail deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that there was a dispute between the two communities, and out of that, previous FIR was lodged by the wife of the applicant No. 1, and subsequent to that incident, this FIR came to be lodged against the present applicants. As far as the allegations regarding sexual assault is concerned, which is not substantiated by the medical evidence. The statements of the witnesses are also not sufficient to show that she was subjected for the sexual assault. Considering the

circumstances under which the alleged incident has taken place and custodial interrogation of the present applicants is not required, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] The criminal application is **allowed**.
- b] The applicants shall be released on anticipatory bail in connection with Crime No. 195/2023 registered with police Station Sindhkhed Raja, District Buldhana for the offence punishable under Sections 143, 147, 452, 354, 354-B, 395, 376, 376(D), 504, 506, 427 read with Section 149 of the Indian Penal Code, 1860, on executing P.R. Bond of Rs. 25,000/- each with one solvent sureties in the like amount.
- c] The applicants shall attend the concerned police station once in a week on Monday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.
- d] The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the presents case.

The criminal application **disposed of**.

[URMILA JOSHI-PHALKE, J.]