

ORDER BELOW EXH. 1
(Shri.Dhananjay Bajirao Jambhale vs. The State of Mah.)

1. Heard Ld. Adv. Shri. P.P.Khamkar for applicant, Ld. A.P.P. Shri.Oak, for State and Ld. Adv. Shri.Mohite for the complainant. Perused application, say of prosecution and complainant with report of I.O. and the record.

2. Applicants filed this application U/s. 438 of Cr.P.C., in C.R. No.323/2022 registered at Shahupuri Police Station, Satara for the offences P/u/s. 354, 324, 323, 504 & 506 of I.P.C. He has also filed application below Exh.4 seeking interim protection. Same was allowed on 07/10/22. It is in existence till date.

3. According to applicant, he is innocent and has not committed any offence. No intention is gathered to attract the offence punishable U/s. 354 of I.P.C. Complainant has no nexus in the alleged hassle and she was plotted to create evidence to lodge false complaint. Her husband did not lodge the complaint about said incident. Applicant has acknowledged the notice issued U/s. 41(A) of Cr.P.C. He is ready to co-operate and abide all conditions. He is permanent resident of given address. He has no antecedent. He is implicated falsely out of political supremacy war in the town. Considering all his application be allowed. To support he filed copy of F.I.R., copy of notice U/s. 41(A) of Cr.P.C. and the news published in Electronic media.

4. Prosecution filed say at Exh. 7 with the report of I.O. Complainant filed say at Exh.8. They all objected strongly.

According to them, crime is serious in nature. Investigation is in progress. If applicant is released he may tamper the evidence. He may threaten witnesses. Complainants specifically stated that while lodged complaint she was under mental trauma so she could not narrate the incident properly. So she gave supplementary statement and informed that in said incident thumb of her right hand fracture and also she was attempted to kill by pressing her throat with full pressure by applicant. So application be rejected.

5. From perusal of F.I.R. it reveals that, it is registered on 05.10.2022 at 8.21 hrs. In which complainant alleged that on account of Dasara festival, she was drawing Rangoli in front of her house at about 7.00 a.m. At that time, sweepers of Satara Municipal Council were also found drawing Rangoli on the path. So husband of the complainant asked them to do their work of cleaning. Upon which applicant asked him as to why he is directed those women and quarrel took place between them. So complainant intervened and asked them not to do so. On which applicant assaulted her with stone and Chappel, caught her left hand, abused her & threatened her etc. So she lodged this complaint against him. In response applicant is in receipt of notice U/s. 41(A) of Cr.P.C. So he has reasonable apprehension of arrest.

6. In his application, applicant alleged that this is political dispute arose out of political supremacy war in the town. He relied upon one electronic news, in which it reflected that the complainant was having plaster on the right hand and the tagline of the news is injury to left and plaster to right. In this background, perusal of F.I.R. shows that prima facie allegations of offence U/s.

354 of IPC do not attract for want of intention to outrage the modesty. The dispute appears between the husband of complainant and accused, but complaint is not lodged by her husband. So the possibility of implicating in false case to malign reputation cannot be ruled out.

7. Further perusal of report of I.O. shows that despite of given supplementary statement by the complainant no other offences added in the crime. Investigation is practically completed. Alleged offences are not punishable with life imprisonment or death, nor interrogation of applicant is required. Under such circumstances, there is no need to curtail the liberty of applicant when he is permanent resident of given address and political leader from the town. So following order is passed.

: ORDER :

1. Application is allowed. Earlier order passed below Exh.4 dated 7/10/22 is confirmed with all terms and conditions mentioned therein.
2. Accordingly, it be informed to concerned police station.

Date : 23.11.2022

**Kamala V. Bora,
Addl. Sessions Judge, Satara.**