

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

Criminal Application No. 1562 Of 2015.

DNYANESHWAR S/O SHIVAJI PAWAR.
VERSUS
THE STATE Of MAHARASHTRA.

Appearance =>

Mr. Ravindra Gore, Advocate for the Applicant.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 7th April, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of anticipatory bail, since he is apprehending his arrest in connection with CR No. I 42/2015 registered with Police Station, Gangapur District – Aurangabad for the offences punishable under Section.s. 354(1)(2)(D), 506 of the Indian Penal Code and under Section 11(4) of the Protection of Children from Sexual Offences Act, 2012.

[2] Heard Mr. Ravindra Gore, learned counsel for the Applicant and Mrs. Pratibha Bharad, learned Additional Public Prosecutor for the State of Maharashtra.

[3] First Informant is aged about 17 Years and 11 months. She is the student of Shri. Muktanand Arts, Commerce and Science College,

Gangapur. Present applicant is also student of said College and pursuing study in B.Sci. Part-II. The allegations made in the First Information Report shows that, there were exchange of telephonic calls between the first informant and the present applicant. However, according to the First Information Report, it appears that, the present applicant misunderstood the response of the first informant as a love and he tried to make advances towards her, which was not to the like of the first informant.

[4] The First Information Report further states that her marriage was fixed with one Namdeo Bhimaji Jadhav R/o. Ambegaon, Taluka – Gangapur however, present applicant intimated to said person that he is in love with the first informant. According to the First Information Report due to that, her marriage could not take place.

[5] The Police papers does not show that, any efforts were taken by the Investigating Officer to record the statement of said Namdeo Jadhav, whose name is mentioned in the First Information Report.

[6] Statements which are available in the police papers are of very close relatives of the first informant. The First informant as well as present applicant are the student and pursuing their studies. The applicant has placed on record Admission Card issued in his favour by Dr. Babasaheb Ambedkar Marathwada University, Aurangabad which clearly shows that the present applicant is undergoing his examination of B.Sci. Part-II.

[7] Though the court is disapproving the act, action and attitude of the present applicant; only on the humanitarian ground and the applicant being a student, presently undergoing the examination, is inclined to grant the discretionary relief in his favour. If application for anticipatory bail is rejected then he will be arrested and he will be placed in the company of

harden criminal and that will ruin his budding career. Further it is to noted that, offence punishable under Section 354(D) of the Indian Penal Code is a bailable offence.

[8] In that view of the matter, this court on the humanitarian ground inclined to grant the discretionary relief. Hence, I pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) In the event of arrest, Applicant - DNYANESHWAR S/O SHIVAJI PAWAR shall be released on anticipatory bail on he executing P.R. Bond of Rs. 5,000/- [Rs. Five Thousand.] with one solvent surety in the like amount, in connection with CR No. I 42/2015 registered with Police Station, Gangapur District – Aurangabad for the offences punishable under Section.s. 354(1)(2)(D), 506 of the Indian Penal Code and under Section 11(4) of the Protection of Children from Sexual Offences Act, 2012.
- (iii) The applicant shall not try to pressurize the first informant.
- (iv) With this, Criminal Application is disposed of.

(V.M. DESHPANDE, J.)