

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

Criminal Application No. 1701 Of 2015.

YOGESH S/O SITARAM SHINDE & ORS.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. N.B. Khandare, Advocate for the Applicants.

Mr. A.S. Shinde, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 15th April, 2015.

Per Court :-

Present Criminal Application is filed by the Applicants for grant of anticipatory bail, since they are apprehending their arrest in connection with CR No. I 39/2015 registered with Police Station, Paithan, District – Aurangabad for the offences punishable under Section.s. 354, 328, 341 read with 34 of the Indian Penal Code.

[2] Heard Mr. N.B. Khandare, learned counsel for the Applicants and Mr. A.S. Shinde, learned Additional Public Prosecutor for the State.

[3] First Informant is having her own beauty parlour at Aurangabad. According to the First Information Report, on 25th February, 2015 she on her two wheeler Hiro Pleasure bearing registration No. MH/20/CD/3429 went to Paithan. There at 3.30 p.m. present Applicants met her at Bus station. According to the First Information Report, thereafter meeting

took place in one Hotel at Paithan. The First Information Report further recites that, first informant suspect that, certain things were administered to her through thumps-up. Thereafter, Applicant No.1 Yogesh tried to outrage her modesty, therefore, she on her two wheeler left the place. However, on the road, she lost her balance and she suffered injuries. Two unknown persons brought her to Bidkin Petrol Pump. Thereafter, she had been to the Police Station, Bidkin, where-from she was referred to the Cottage Hospital.

[4] In spite of fact that, she was at Bidkin Police Station and she was referred by the Police to the Cottage Hospital, no offence was registered against the Applicants, on the same day. On 26/02/2015 offence is registered at Police Station, Paithan. If the allegations made in the First Information Report are to be taken as it is, it will not be possible for a lady to drive two wheeler in a high speed. In that view of the matter, the applicants have made out a case, in their favour, for grant of anticipatory bail. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) In the event of arrest, Applicant No.1 - YOGESH S/O SITARAM SHINDE and Applicant No.2 – ANIL SURESH AHER shall be released on anticipatory bail on they executing P.R. Bond of Rs. 10,000/- [Rs. Ten Thousand.] each with one solvent surety in the like amount, in connection with CR No. I 39/2015 registered with the Police Station, Paithan, District – Aurangabad for the offences punishable under Section.s. 354, 328, 341 read with 34 of the Indian Penal Code.

(iii) The Applicants shall attend the Police Station, Paithan, District – Aurangabad once in a week, preferably on every Sunday, between 2.00 p.m. to 4.00 p.m., till Charge-Sheet is filed.

(iv) Observation made in this order are purely prima facie in nature and the Court below, who shall be ultimately conducting the case, shall not get himself influenced by such observations.

(V.M. DESHPANDE, J.)