

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1835 OF 2015

Bhatu s/o Shivram Wagh

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. P.S.Paranjape, Advocate for Applicant.

Mrs. Pratibha Bharad, A.P.P. for Resp.– State.

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CORAM : V.M.DESHPANDE, J.

DATE : 23rd APRIL, 2015

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PER COURT :

1. Applicant is before this Court since he is apprehending his arrest in connection with Crime No. 12/2015 registered at Mohadi police station, Dist. Dhule for the offences punishable u/s 341,143,354 (A) of the Indian Penal Code and u/s 8 of the Protection of Children from Sexual Offences Act.

2. Heard Mr. P.S.Paranjape, learned counsel for the applicant and Mrs. Pratibha Bharad, learned A.P.P. for respondent – State.

3. Prosecutrix aged about 16 years lodged report with Mohadi police station on 07/02/2015. As per F.I.R., on 06/02/2015 when she was returning to her house after attending school, Sachin Wagh and Yogesh Wagh accosted her as to why she has not given her mobile number and she is not obliging their direction to meet them. Therefore, she raised hue and cry. That time, Sachin and Yogesh touched the body of prosecutrix. F.I.R. alleges that, that time, Vikas Wagh, Ramesh More, Raghunath Wagh, Bhatu Wagh and Kishor Wagh came there on motorcycle and they took her on the motorcycle. However, that time, 5 – 6 persons, who were present there, came there and rescued the prosecutrix.

4. From the F.I.R., it is clear that specific role, by which it can be said that the offence u/s 354 (A) of the Indian Penal Code, is against Sachin Wagh and Yogesh Wagh. In so far as present applicant is concerned, allegations are most general in nature. Even the statements of witnesses, which were placed before me by learned A.P.P., do not show any accusation made against present applicant, as mentioned in the F.I.R. Neither the F.I.R. nor the statements of witnesses show any specific role attributed to the present applicant. In that view of the matter, present applicant has made out *prima facie* case for anticipatory bail in his favour.

5. Hence, I pass the following order :

(i) Present Criminal Application is hereby allowed.

(ii) In the event of arrest, in connection with Crime No. 12/2015 registered at Mohadi police station, Dist. Dhule for the offences punishable u/s 341,143,354 (A) of the Indian Penal Code and u/s 8 of the Protection of Children from Sexual Offences Act, applicant Bhatu s/o Shivram Wagh be released on anticipatory bail on he executing P.R. Bond of Rs. 10,000/- [Rupees Ten Thousand] with one solvent surety of like amount.

(iii) Applicant shall attend Mohadi police station once a fortnight preferably on every Sunday between 10.00 a.m. and 12.00 noon till the charge sheet is filed.

(iv) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]