

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

CRIMINAL APPLICATION NO. 5932 OF 2015

Ramdas s/o Ramkrishna Kasar,
Age: 49 years, Occ: Service,
R/o. Nimaj, Tq. Sangamner,
Dist. Ahmednagar.

...Applicant

versus

The State of Maharashtra,
through Police Inspector,
Sangamner Taluka Police Station,
Sangamner, Dist. Ahmednagar.

...Respondent

.....
Mr. S.S. Dixit, Advocate for applicant
Mr. R.V. Dasalkar, A.P.P. for respondents
.....

CORAM : N.W. SAMBRE, J.

DATE : 14th DECEMBER, 2015

ORAL ORDER :

The applicant is seeking pre-arrest bail in connection with Crime No. I-155/2012 registered on 14/10/2015 at Sangamner Taluka Police Station, District Ahmednagar, for an offence punishable under Sections 354, 323, 504 and 506 of the Indian Penal Code. The complainant alleged that on 14/10/2015 the applicant herein has tried to outrage her modesty, resulted into lodging of F.I.R. The complainant herself has come out with a case that there exists civil dispute in between the parties in relation to the boundaries of field, as they are respectively owning adjoining lands.

2. It is further claimed that the complainant when had been to the field for operating electric motor for drawing water from the well, the applicant has outraged her modesty.

3. It is the case of present applicant that he is falsely implicated in the crime in view of the fact that wife of applicant Alka has already lodged complaint under Section 156(3) of Code of Criminal Procedure vide Criminal Case No. 480 of 2015 for the offence punishable under Sections 323, 324, 448, 452, 504, 506 read with Section 34 of the Indian Penal Code. According to him, similar type of allegations were made by wife of applicant against family members of the complainant, for which two complaint cases are initiated on 03/07/2015 and 07/07/2015, which are pending for final adjudication. He would then urge that, in the above referred back ground, false implication of the applicant cannot be ruled out in the matter.

4. Learned A.P.P., while opposing the application, would urge that the applicant is involved in serious crime punishable under Section 354 of the Indian Penal Code i.e. outraging modesty of a woman. According to him, filing of complaint against the family members of complainant herein cannot be a ground for granting

protection in favour of the applicant.

5. With the assistance of learned A.P.P., I have perused the investigation papers.

6. After recording statement of the complainant under Section 164 of Cr.P.C. on 19/10/2015, there is hardly any further investigation in the matter.

7. Perusal of the statement recorded under Section 164 of Cr.P.C. also does not repose any confidence, particularly in view of substantial improvements noted at the behest of complainant as compared to that of in F.I.R.

8. The suit for perpetual injunction is already pending in between the parties and as such, in the above referred back ground, false implication of the applicant cannot be ruled out.

9. In view thereof, ad-interim protection granted by this Court on 30/10/2015 is confirmed. The applicant to appear before the Investigating Officer initially for the period of one week, every day between 10-00 to 12-00 p.m. and thereafter, as and when called and also also shall keep himself away from the jurisdiction of concerned

police station till filing of the charge sheet.

10. The criminal application stands allowed in above terms.

[N.W. SAMBRE, J.]

Tupe/14.12.15