

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 863 OF 2015

Mayur Panditrao Lokhande & Anr. ... Applicants
Vs.
The State of Maharashtra ... Respondent

Mr. Sachin D. Kadam, Advocate for the applicants.
Ms. Veera Shinde, APP for the respondent/State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JUNE 24, 2015**

P.C.:

This Application is moved for pre-arrest bail under section 438 of the Criminal Procedure Code, as the applicants/accused are facing charges under sections 354, 143, 452, 323, 504, 506 r/w. 34 of the Indian Penal Code and under sections 4 and 7 of the Protection of Children from Sexual offences Act, 2012 in C.R. No. 42 of 2015 registered with Kalwan Police Station, District Nashik.

2. The victim girl gave information to the police on 2nd May, 2015 that principal accused Bhushan Jibhau Jadhav used to harass her. He tried to outrage her modesty by holding her hand on 6th March, 2015 as she was not responding him. Thereafter on 26th April, 2015, the principal accused along with these two applicants/accused, who are his friends, went near the house of the victim girl and called her father and threatened and assaulted him with kicks and fist blows as his daughter was not

responding positively to principal accused Bhushan. When the mother of the victim intervened, she was also assaulted by these accused. Again on 1st May, 2015, the applicants/accused and principal accused went to her house and assaulted her parents. So, she gave the complaint.

3. The learned counsel for the applicants/accused has submitted that the principal accused Bhushan Jadhav is the main culprit and considering the allegations of section 354, these two applicants/accused cannot be held under section 354 or under Protection of Children from Sexual offences Act. The learned counsel submitted that the only offence committed by the applicants/accused is of assault and therefore, they are to be protected by pre-arrest bail. He further submitted that the learned Sessions Judge has granted bail to principal accused Bhushan Jadhav and he is on bail now. The applicants/accused are students and they are going to appear for examination in college in July.

4. Learned APP opposed this Application. She pointed out the order passed by the learned Sessions Judge while rejecting the Applications of these two applicants/accused.

5. Perused the FIR and the order of the learned Sessions Judge dated 22nd May, 2015. It is true that there are no such allegations of sexual

assault against these applicants/accused, however, the information discloses that they were with principal accused and they encouraged and helped him. They assaulted the parents of the prosecutrix not only once but twice after entering the house of the prosecutrix to pressurize them so that the victim girl gives positive response to the principal accused. In view of this, the view taken by the learned Sessions Judge of rejecting the anticipatory bail applications is correct. Hence, the Application for anticipatory bail is rejected.

6. At the time of hearing of Bail Application, the ground that applicants/accused are students and they have to appear for the examination can be considered.

(MRS.MRIDULA BHATKAR, J.)