

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.910 OF 2015

Pankaj Keda Pagar

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.S.H. Kankal for the Applicant

Ms.R.V. Newton, APP, for Respondent – State

Mr.A.D. Boarate, PSI, Kalwan police station, Nashik (Rural) - present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 29, 2015**

P.C.:

1. The application is moved for pre-arrest bail in relation to C.R. No.42 of 2015 registered on 2.5.2015 with Kalwan police station at the instance of the prosecutrix, who is 17 years old, for the offences punishable under sections 354, 143, 452, 323, 504, 506 r/w 34 of the Indian Penal Code and also under sections 4 and 7 of the the Protection of Children from Sexual Offences Act, 2012. It is the case of the prosecutrix that the co-accused Bhushan was interested in the girl and she was not responding. So, on 26.4.2015 at around 8.30pm, Bhushan alongwith the applicant/accused and other co-accused came to the house of the girl. They called her father outside and assaulted him with kicks and fist blows. When her mother intervened, they assaulted her also. They threatened that they would murder the prosecutrix. The prosecutrix and her parents were scared and hence, did not approach the police. However, again on 1.5.2015, at around 9.15pm, one Mayur Lokhande and the applicant/accused and

other 10 to 12 persons went to the house of the prosecutrix. When her mother opened the house, the applicant/accused and other co-accused Mayur tried to take away the motor cycle owned by the co-accused which was kept there by the accused Bhushan. At that time, both the accused assaulted the mother, abused the father and threatened her. Hence, the present application.

2. The learned Counsel for the applicant/accused has submitted that there are no antecedents and the applicant/accused is innocent. He is falsely implicated. On 26.4.2015, he attended his duty till 5.30pm at Daman and the incident has taken place at Kalwan which is 200 kms. away. He submitted that the applicant/accused has just started his career and his life will be ruined if he is not protected.

3. Learned Prosecutor has opposed the application and submitted that though on 26.4.2015, he attended his duty, there is another incident which took place on 1.5.2015 and the name of the applicant is specifically mentioned in the FIR as he is the one who assaulted and threatened the parents of the prosecutrix.

4. Perused the FIR. It shows that the applicant/accused has prima facie committed the offence. However, he is not attributed any role under section 354 of the Indian Penal Code but he has assaulted and threatened the parents of the prosecutrix. Considering the submissions

that the applicant/accused is 23 years old and it appears that he is involved in this crime to help his friend and he has no criminal antecedents, I am inclined to grant pre-arrest bail on the following conditions:

- i) In the event of arrest, the applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/-, with one or two sureties in the like amount;
- ii) The applicant shall not tamper with the evidence or pressurise the prosecutrix or her relatives in any manner whatsoever;
- iii) The applicant shall not indulge into any kind of offence while on bail;
- iv) The applicant shall cooperate with the Investigating Officer and attend the concerned police station on every Sunday between 12 noon to 2pm, till filing of chargesheet.
- v) Any breach of the above conditions will entitle the prosecution to move the Court for forthwith cancellation of the bail.

5. Anticipatory Bail Application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)