

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1220 OF 2015

Mayur Panditrao Lokhande & anr. ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr.S.A. Sawant i/b s.M. Suryawanshi for the Applicants
Ms.Veera Shinde, APP, for Respondent – State

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

DATE: **AUGUST 24, 2015**

P.C.:

1. This application is moved for pre-arrest bail. This is a second Anticipatory Bail Application as the first application i.e., Anticipatory Bail Application No.863 of 2015 filed by the present applicants/accused was rejected on 24.6.2015. The applicants/accused are facing charges 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 in relation to C.R. No.42 of 2015 registered on 2.5.2015 with Kalwan police station. The prosecutrix is 17 years of age. Both the applicants/accused are college going students and studying in the same college in 12th standard.

2. The learned Counsel for the applicants/accused submitted that though the anticipatory bail application of these accused was rejected, subsequent application i.e., Anticipatory Bail Application No.910 of 2015, filed by one of the accused Pankaj Pagar was allowed on 29.7.2015. He, therefore, prays anticipatory bail on parity for the present applicants/accused. Moreover, he submits that the principal applicant/accused Bhushan is also released on regular bail. He further submits that these applicants/accused have not been specifically attributed any role under section 354 of the Indian Penal Code but their role is restricted to assault.

3. Learned Prosecutor has submitted that the role attributed to both the applicants/accused and the applicant/accused Pankaj Pagar is same. She submitted that there is no change of circumstance and it be rejected.

4. Perused the orders passed by this Court on 24.6.2015 rejecting bail to the applicants/accused and the order dated 29.7.2015 allowing the Anticipatory Bail Application of Pankaj Pagar. On perusal of the FIR, it appears that all these accused were attributed the same role. The principal accused Bhushan has actually committed the offence under section 354 of outraging the modesty of the woman. All these accused were involved in the assault. Moreover, the principal accused Bhushan

was arrested and is now released on bail. One more important fact is that the applicants/accused are students; so also they are not arrested by the police. The applicants/accused, as informed by the learned Counsel, have attended their college in the months of June and July, however, they are not arrested by the police. Further, it is to be noted that the learned Prosecutor who appeared in the subsequent anticipatory bail application on 29.7.2015, ought to have pointed out the earlier order dated 24.6.2015 of rejecting the bail. However, it was not pointed out at the relevant time.

5. In view of these circumstances, on parity, I grant anticipatory bail to the present applicants/accused on the same grounds as under:

- i) In the event of arrest, the applicants/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/- each, with one or two sureties in the like amount;
- ii) The applicants shall not tamper with the evidence or pressurise the prosecutrix or her relatives in any manner whatsoever;
- iii) The applicants shall not indulge into any kind of offence while on bail;

- iv) The applicants 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.
6. Anticipatory Bail Application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)