

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1668 OF 2015

Nikhil Baban Shirse ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Sumedh Waghmare i/b. Mr. Sachin Susane for the Applicant
Mrs. G.P.Mulekar , APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : DECEMBER 05, 2015.**

P.C.

1. This is an application for anticipatory bail filed by the aforeaid applicant apprehending his arrest in Crime No.234 of 2015 registered with Daund Police Station for the offence punishable under Section 354, 506 of the Indian Penal Code and Section 8, 12 of the Protections of Children from Sexual offences Act.

2. Mr. Waghmare, the learned Counsel for the applicant has stated that false allegations are levelled against the applicant due to political rivalry between his family and the family of the complainant.

He has submitted that the applicant is ready to move out of Taluka Daund, District Pune, till filing of the chargesheet. He has further stated that he is ready to co-operate with the investigation in every possible manner.

3. The Learned APP has submitted that the statement of the victim prima facie reveals that the applicant has been harassing her since her school days. The learned APP further stated that there is no prima facie material to indicate that there is any rivalry between the family of the applicant and the family of the victim.

4. I have perused the records and considered the submissions advanced by the learned Counsel for the applicant and the learned APP for the State. The FIR lodged by the mother of the victim prima facie reveals that on 28.8.2015 at about 10.15 hours while her daughter was returning home, the applicant outraged the modesty of the victim by holding her hands and touching her chest. The statement of the victim also prima facie reveals that the applicant was trying to establish friendly relations with her, and that he was following her in the school, and eve teasing her. The statement of the victim further reveals that on 28.8.2015 while she was returning

home, the applicant held her hand and pulled her towards him and also touched her breast and told her that he wants to marry her.

5. The statement of the victim prima facie indicates that the applicant is involved in committing the offence alleged. The maximum sentence of the said offence is five years. Considering this fact, and also considering the fact that the applicant is 24 years old boy, in my considered view, this case would not justify custodial interrogation. Furthermore, a statement has been made by the applicant that he will move out of Daund Taluka, District Pune till filing of the charge sheet. A statement is also made that the applicant will not interfere with the victim in any manner and will co-operate with the investigation.

6. Considering all the above facts and circumstances, the anticipatory bail application is allowed on the following terms and conditions:-

i) In the event of arrest of the applicant in Crime No.234 of 2015 registered by Daund Police Station, Pune, the applicant be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one solvent surety in the like amount to the

satisfaction of the learned Sessions Judge, Baramati.

- ii) The applicant shall report to the Investigating Officer initially for seven days between 10 a.m. to 1.p.m. and further as when required by the Investigating Officer for the purpose of investigation and interrogation.
- iii) After the initial period of interrogation of seven days, the applicant shall move out of Taluka Daund till filing of the chargesheet or for a period of two months, whichever is earlier.
- iv) The applicant shall furnish is permanent as well as temporary address to the concerned Investigating Officer.
- v) The applicant shall not interfere with the victim or any other witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)