

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

3 CRIMINAL APPLICATION NO. 4574 OF 2016

ASHOK S/O PRAKASH SHENDGE

VERSUS

THE STATE OF MAHARASHTRA.

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Mr. P.D.Suryawanshi, Advocate for Applicant.

Mr. S.M.Ganachari, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 20th SEPTEMBER, 2016

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PER COURT :

1. The applicant/accused in Crime No. 136/2016 registered at Wadwani police station, Dist. Beed for the offences punishable U/ss 354,279,337,323,504,506 read with 34 of the Indian Penal Code and u/s 12 of the Protection of Children from Sexual Offences Act [for short, 'POCSO Act'], by this application is seeking pre-arrest bail.

2. Heard the learned counsel for the applicant/accused as well as the learned A.P.P. The learned A.P.P. argued that there are statements of witnesses who are

relatives of the informant. They are supporting the version of the informant. He further drew my attention to the injury certificate of the informant and contended that the offence is that of outraging modesty of the informant by the applicant.

3. Perused the papers of investigation including the F.I.R. lodged by the informant, who is stated to be female child aged about 17 years. The incident appears to have been took place because of dash of car. The averments are to the effect that the present applicant was driving car and his driving caused injury to the left leg of the informant. The F.I.R. itself shows that then the informant abused the applicant who was on the driving seat. Thereafter, as seen from the F.I.R., the applicant came out of the car and twisted hand of the informant. It is further averred that the applicant had beaten the informant by foot wear. He then threatened her.

4. Perusal of the F.I.R. as such shows that the incident was of minor accident, wherein both parties showed their aggressive behaviour. The injuries caused to the informant are simple in nature viz. abrasion and invisible contusions.

5. Considering the nature of crime and its impact, custodial interrogation of the present applicant is not warranted. Hence, the following order.

(i) The Criminal Application is allowed.

(ii) In the event of his arrest in Crime No. 136/2016 registered at Wadwani police station, Dist. Beed for the offences punishable U/ss 354,279,337,323,504,506 read with 34 of the Indian Penal Code and u/s 12 of the POCSO Act, the applicant Ashok s/o Prakash Shendge be released on bail on executing P.R. Bond of ₹ 15,000/- [Rupees Fifteen Five Thousand] and on furnishing surety in the like amount.

(iii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(iv) The applicant shall not tamper the evidence of the prosecution. till filing of the charge sheet.

(v) The applicant shall attend the concerned police station on 01/10/2016 between 11.00 a.m. and 1.00 p.m. and he should co-operate the Investigating Officer in the investigation of the crime in question.

[A.M.BADAR, J.]