

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

Criminal Application No. 5272 of 2016

District : Aurangabad

Rajendra s/o. Madhukarrao Misal,
Age : 51 years,
Occupation : Service,
R/o. Plot No.04, Prerna Nagar,
Garkheda,
Taluka & District : Aurangabad. .. Applicant.

versus

The State of Maharashtra,
Through M.I.D.C.,
Waluj Police Station,
Aurangabad. .. Respondent.

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*Mr. Anand V. Patil Indrale, Advocate, for the
applicant.*

*Mr. S.J. Salgare, Addl. Public Prosecutor, for
the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 1ST OCTOBER 2016

ORAL ORDER:

The applicant - Accounts Officer working with Utkarsha Auto Parts Ltd., MIDC, Waluj, District Aurangabad, is an accused in Crime No. 456/2016 registered with Police Station, MIDC, Waluj, District Aurangabad, for the offence punishable under Section 354 read with Section 34 of the Indian Penal Code,

registered at the instance of ex-employee of the said Company.

2. Heard the learned Counsel appearing for the applicant / accused. He argued that from 24th August 2016, the informant was restrained from attending the work because of ruckus by her in the company on 23.08.2016. However, she was coming to the office of the Company and again created a scene. On 25th August 2016, the informant again created scene in the office of the Company. She assaulted co-worker and then lodged a false complaint against the present applicant alleging outraging her modesty.

3. The learned Addl. Public Prosecutor opposed the application by contending that specific allegations regarding outraging her modesty by the present applicant in the chamber of the officer are made and therefore, the applicant is not entitled for pre-arrest bail.

4. Perused papers of investigation as well as annexures to the present application. The informant was serving with Utkarsha Auto Parts Ltd. where the present applicant is serving as Accounts Officer. Report lodged by Director of the said Company to the Police Inspector on 25.08.2016 shows the events which took place in the said Company since last 3 or 4 days. Apart from this, there are reports of co-employees named, Pandit Borde, Laxman Jadhav and Ajay

Waghmare. On 23.08.2016 in the premises of the Company, there was quarrel between the informant and two female co-employees. This incident has resulted in stopping the work of the Company for a substantial period. Thereafter, the executives of the Company decided not to allow the informant to work for 3 or 4 days and accordingly instructions were passed to the concerned officials. It is seen that thereafter on 25.08.2016, the informant again came in the premises of the Company and assaulted employees by questioning them as to why she is not permitted to work. It is seen that the informant had assaulted an officer named Ajay Waghmare by footwear and then rushed for assaulting another officer named Balu Pawale. Because of this ruckus created by the informant, employees were terrified. Thereafter, it appears that on the very same day, the informant went to the Police Station and lodged report against the present applicant. The report is in respect of the incident allegedly took place on third Sunday of July 2016. It is alleged that on that day, the present applicant has outraged her modesty and she has disclosed this fact to Ravi Mundhe, Balu Pawale and Idate. The learned Addl. Public Prosecutor fairly accepted that these three employees are not corroborating the version of the informant reported on 25.08.2016 to Police.

5. Prima facie it appears that the FIR is by way of vengeance as the informant is prohibited from

joining the work because of past incident in the Company. There is delay in lodging the FIR which is not explained. On the contrary, same is lodged when the informant is prohibited to resume work. It appears that in pursuant to the ad interim order of this Court, the applicant has joined investigation.

6. Considering the entire factual backdrop in which the crime in question came to be registered, liberty of the present applicant needs to be protected.

7. Hence, I pass the following order :-

(a) The Application is allowed and the order dated 20th September 2016, granting ad interim anticipatory bail to the applicant, is confirmed on same terms and conditions.

(b) In addition, the applicant shall attend the concerned Police Station as and when reasonably called by the Investigation Officer for the purpose of investigation of the crime in question.

8. The Application stands disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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