

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

Criminal Application No. 5400 of 2016

District : Aurangabad

Suryabhan s/o. Waman Pathare,
Age ; 62 years,
Occupation : Agriculture,
R/o. Bhivgaon,
Taluka : Vaijapur,
District : Aurangabad. .. Applicant.

versus

The State of Maharashtra,
through Plice Station Officer,
Police Station, Vaijapur,
Taluka : Vaijapur,
District : Aurangabad. .. Respondent.

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Mr. Shabbir K. Shaikh, Advocate, for the applicant.

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

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CORAM : A.M. BADAR, J.

DATE : 10TH OCTOBER 2016

ORAL ORDER:

The applicant / accused in Crime No. I-
243/2016 for offences punishable under Section
354D(1) of the Indian Penal Code and under Sections
11 & 12 of the Protection of Children From Sexual

Offences Act, 2012, registered with Police Station, Vaijapur, District Aurangabad, by this application, is seeking pre-arrest bail.

2. Heard the learned Counsel appearing for the applicant / accused. He argued that the applicant is falsely implicated in the crime in question because he had prevented grandmother of the informant from cutting grass from *Bandh* of his field.

3. The learned Addl. Public Prosecutor opposed the application by contending that there are statements of witnesses who were accompanying the victim at the time of the incident and therefore complicity of the applicant in the crime in question is well established.

4. Perused papers of investigation. The applicant / accused is reported to be 69 years of age. Allegations against him reflected from the FIR as well as statements of witnesses are to the effect that while traveling as a pillion rider on the Scooty driven by his own son, he indulged in teasing the informant who is aged about 13 years. Statements of other girls who were accompanying the informant are also to the effect that at the time of incident, the applicant was sitting as a pillion rider. The act attributed to the applicant is his utterances to the informant as to whether she wants to accompany him.

5. On this factual backdrop, possibility of false implication of the applicant in the crime in question cannot be ruled out. Ultimately, according to the prosecution case, the applicant who is 69 years of age, has indulged in eve teasing while sitting as a pillion rider on the Scooty driven by his own son.

6. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The order dated 30th September 2016, granting ad interim anticipatory bail to the applicant, is confirmed on same terms and conditions.

(c) In addition, the applicant shall attend the concerned Police Station on 16th October 2016 in between 11.00 a.m. and 01.00 p.m. and to cooperate the investigator.

(d) The Application stands disposed of in the above terms.

(A.M. BADAR)
JUDGE

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