

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.19 OF 2016**

Somnath Mahadev Godambe ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Vishal L. Kolekar for the Applicant.

Mr. Y.M. Nakhwa, APP for the Respondent – State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 8th JANUARY, 2016.

P. C. :

This is an application for anticipatory bail filed by the aforesaid Applicant in apprehension of his arrest in Crime No.260 of 2015 registered with Paud police station, Pune, for offences punishable under sections 354 and 452 of the IPC and under section 8 of the Protection of Children from Sexual Offences Act.

2. The accusations against the Applicant are that on 10.12.2015 at about 9.30 a.m., the Applicant herein had criminally trespassed into the house of the complainant- Kanifnath Eknath Godambe and outraged the modesty of his minor daughter.

3. The learned counsel for the Applicant submits that there is dispute between the Applicant and the complainant over a cow shed and that the complainant has been constantly quarreling with the Applicant. He has submitted that there is delay in lodging the complaint. He has further submitted that the Applicant is not involved in committing the crime and that he has been falsely implicated by the complainant.

4. The learned APP has submitted that the statements of the witnesses prima facie reveals that the Applicant had outraged the modesty of the victim. The offence is against a minor girl and hence the Applicant is not entitled for bail.

5. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent -State. The FIR lodged by Kanifnath Godambe prima facie reveals that the Applicant is the cousin of the first informant and there is dispute between the Applicant and the complainant in respect of the cow shed and the property. The complainant has alleged that on 10.12.2015 his daughter had informed

him that the Applicant had entered in the house and had hugged her and thereby outraged her modesty. The offence is punishable with maximum punishment of five years. It is pertinent to note that the complaint in respect of the said incident dated 10.12.2015 was lodged only on 13.12.2015. Considering the delay in lodging the FIR coupled with the previous civil dispute between the parties, who are related to each other, in my considered view the case does not justify custodial interrogation. Moreover, the Applicant is a permanent resident of Taluka-Mulshi, District-Pune, hence, there are no chances of the Applicant absconding.

6. Under the circumstances, the application is allowed on the following terms and conditions:

- (i) In the event of arrest of the Applicant in Crime No.260 of 2015 registered with Paud police station, Pune, the Applicant shall be released on bail on furnishing bail bonds of Rs.20,000/-(Rupees Twenty Thousand only) with one surety to the like amount to the satisfaction of the Special Court, Pune.

(ii) The Applicant shall not interfere with the complainant and the witnesses in any manner.

(iii) The Applicant shall report to the Investigating Officer for four days from 10.00 a.m. to 2.00 p.m. from the date of receipt of the order and further as and when required by the Investigating Officer for the purpose of investigation.

(ANUJA PRABHUDESSAI, J.)