

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1408 OF 2016

Swapnil Namdev Vayse	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Kuldeep Patil i/b. Mr. Prashant S. Hagare, for the applicant.
Mr. S.S.Pednekar, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 18th August, 2016.

P.C.

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. . This is an application under Section 438 of Cr.P.C. The applicant herein is apprehending his arrest in Crime No.250 of 2016 registered at Karmala Police Police Station for the offences punishable under Sections 354, 452, 323, 504 read with Section 34 of IPC and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
3. It is the case of the prosecution that on 13.6.2016, the victim lodged a report at the Police Station alleging therein that on 13.6.2016, the applicant had visited the house of the victim at about 2 p.m. That he has pulled the

informant by her hand. Her sister-in-law had intervened and at that time her sister-in-law was assaulted by the present applicant. Upon hearing hue and cry, her neighbour had intervened. Thereafter, the applicant and his friends had left the spot. It is alleged that the friends of the applicant were instigating the applicant to take the victim away and, therefore, she felt ashamed.

4. The learned counsel for the applicant submits that in fact, the father of the first informant is working as an agricultural labourer with the father of the present applicant. The present applicant happens to be the student and is prosecuting his education in Engineering Faculty. It is alleged that the father of the informant had taken an advance of Rs.60,000/- from the father of the applicant and in order to waive the same, the applicant has been falsely implicated. It is further submitted that the applicant is being prosecuted for an offence under Section 354 of IPC for which a sentence contemplated is not less than one year, but may extend to five years and also fine.

5. The learned counsel for the applicant submits that the applicant is a student of second year of Diploma in Mechanical Engineering.

6. It is made clear that the observations made hereinabove are prima facie in nature and shall not be taken into consideration for the purpose of

quashing of FIR, discharge application or at the time of trial since the observations are restricted to the application under Section 438 of Cr.P.C.

7. In view of the nature of allegations and the papers of investigation, the applicant deserves to be enlarged on pre-arrest bail on imposing certain conditions.

ORDER

- (i) The application is allowed.
- (ii) In the event of his arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall report to the concerned police station on every Sunday between 10 a.m. and 12 noon till the filing of the charge-sheet and co-operate with the investigating agency.

The application is allowed and stands disposed of.

(SMT.SADHANA S.JADHAV, J.)