

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1592 OF 2016

Ganpat Ananda Keskar & ors. ... Applicants.
Versus
The State of Maharashtra. ... Respondent.

Mr. Rahul S. Kate, advocate for Applicants.

Mr. Prashant Jadhav, APP for State.

Mr. S.P. Gaikwad, PSI, Baramati Taluka Police Station.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : SEPTEMBER 29, 2016**

P.C.:

1 Heard the learned Counsel for the applicants and the learned APP for State. Perused the papers.

2 This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicants herein are apprehending their arrest in Crime No. 394 of 2016 registered at Baramati Taluka Police Station for offence punishable under Section 323, 354A, 504, 506 of the

Indian Penal Code and under Section 8, 12 of the Protection of Children from Sexual Offences Act, 2012.

3 It is the case of the prosecution that Ramchandra Keskar and Ananda Keskar who are not before this Court had filed a complaint at Tahasildar, Baramati District, Pune contending therein that there was a dispute between Kolekar family i.e. Dilip Kolekar and Vaibhav Kolekar in respect of access to their agricultural land and that there is obstructions by them. An application was filed by Ramchandra Keskar and Ananda Keskar to the dispute resolution committee of Katewadi to resolve the said dispute. They also had apprehension that they would be falsely implicated.

4 On 20/8/2016, the complainant Pratiksha Dilip Kolekar i.e. the daughter of Dilip Kolekar lodged a report at the police station alleging therein that on 20/8/2016 when she was proceeding to her college at Baramati, the accused persons namely, Ganapt Keskar, Sachin Keskar Nitin Keskar had followed her on the motor cycle. That Ganpat

Keskar had attempted to outrage her modesty whereas, Sachin Keskar and Nitin Keskar had tried to drag her into the sugar gain crop, but she managed to rescue herself and had gone to her house. That they had also attempted to assault her. It appears that Crime No. 394 of 2016 was registered at the police station prior to the registration of Crime No. 395 of 2016 at 6.46 p.m. and thereafter, Crime No. 395 of 2016 was registered.

5 In the present case also, father of the complainant has filed an affidavit on similar line exonerating the accused and stating therein that the reports were lodged at the police station due to misunderstanding and that they had amicably settled the dispute. It would be necessary to deter the public from abusing and misusing the provisions of the POCSO Act for satisfying their personal vendetta. It is because of this, that the persons, who are really victimized under the said act, would not be believed by the prosecuting agency and the said victim would be looked up with suspicion. In these circumstances and to avoid the misuse of the said provisions, abuse of

process of law and provisions, the applicants do not deserve pre-arrest bail.

6 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 438 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same at the time of hearing of the application under Section 439 of the Code of Criminal Procedure, 1973.

7 The application being sans merits stands rejected and disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)