

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1764 OF 2016

Gangaram Namdev Khande

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Nitin B. Kamble Advocate for Applicant.

Mr. R. M. Pethe APP for the State.

Mr. Chetan Mane, PSI, Khed Police Station, Pune.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : OCTOBER 13, 2016.

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending his arrest in crime no. 407 of 2016 registered at Khed police station for offence punishable under sections 354 (a) 1 (d) of the Indian Penal Code and sections 8, 10 & 12 of Protection of Children from Sexual Offences Act, 2012 (Hereinafter referred as POCSO)

2) It is the case of the prosecution that applicant is officiating as Police Patil of village Khed, District Pune. It is the case of the prosecution that on

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17/09/2016, a report was lodged by Ms. 'X' alleging therein that her friends who are minors were called by the applicant. He had lured them to come to his house on the ground that he would give them chocolates and after they had visited his house, he had outraged their modesty by touching them inappropriately. Hence, the offence was registered against the applicant under the provisions of POCSO.

3) The learned counsel for the applicant submits that applicant is officiating as Police Patil since the year 1996. According to the learned counsel Vithal Solase was officiating as Police Patil of the said village prior to the applicant and only to wreck the political vendetta, applicant has been falsely implicated.

4) Perused the papers of investigation, more particularly statements of the victims recorded under section 164 of the Code of Criminal Procedure, 1973. Applicant was officiating as Police Patil and has abused his position as Police Patil of the village. There is incriminating material against the applicant which clearly indicates his involvement in the said offence. It cannot be said to be a case of false implication. Hence, application being sans merits, deserves to be rejected.

5) However, it is made clear that observations made herein above are

prima facie in nature and shall not be considered for deciding an application under section 439 of the Code of Criminal Procedure, 1973.

6) Application stands rejected.

(SMT. SADHANA S. JADHAV, J.)