

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

Criminal Application No. 01527 of 2017

District : Parbhani

Chandrashekhar s/o. Sanjayrao Garud,
Age : 23 years,
Occupation : Service,
R/o. Balkrishna Junior College,
Erandeshwarphata,
Taluka Purna,
District Parbhani.

.. Applicant.

versus

The State of Maharashtra,
Through Police Station Officer,
Purna Police Station,
Taluka Purna, Dist. Parbhani.

.. Non-applicant.

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Mr. N.V. Gaware, Advocate, for the applicant.

*Mr. S.M. Ganachari, Addl. Public Prosecutor, for
the non-applicant.*

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CORAM : T.V. NALWADE, J.

DATE : 05TH APRIL 2017

ORAL ORDER :

By the present application, the applicant seeks pre-arrest bail in connection with Crime No. 49/2017 registered with Purna Police Station, District Parbhani, for offences punishable under Sections 354, 294, 323, 504, 506, read with Section 34 of the Indian Penal Code and Section 3(1)(x) of

the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 [**For short, "Atrocities Act"**].

02. Both the sides are heard.

03. The crime is registered on the basis of report given by the prosecutrix on 02.03.2017. The prosecutrix is aged about 24 years and she was receiving education in one Junior College situated at Erandeshwar, Taluka Purna, District Parbhani, of Nursing Course. She was residing in the hostel. She has made allegations that applicant Chandrashekhar Garud was harassing her by asking her as to whether she was having any boy friend. She has contended that on 24.12.2016 at about 11.00 a.m., the applicant - hostel warden entered in her room and as usual asked her whether she is having boy friend ? whether she goes with anybody for round. Thereupon, the complainant became angry. It is alleged that she made complaint to the head of the institution, Prabhakar Chavan. She was called in the cabin of Principal of the College. When she went in the cabin of the Principal, the Principal and the applicant were present there. It is alleged that after altercation with them, an application for issuance of T.C. was forcibly obtained from her and she was issued T.C. It is her contention that she did not make complaint of this incident.

04. It is the case of the complainant, that on 02.03.2017 at about 10.00 a.m., when she was

proceeding to Parbhani, at Zero Phata, the applicant approached her. He held her hand and abused her in filthy language and outraged her modesty. It is her case that at that time, she was assaulted and one Govindrao Shelke rescued her. Her sister was also accompanying her. In respect of the incident occurred on 02.03.2017, she gave report on the same day and crime came to be registered.

05. Papers of investigation show that there is statement of Govind s/o. Bhimrao Shelke who hails from the village of the complainant. If the incident had taken place at the place described by the complainant, at least, shopkeepers would have gathered there. General public always take side of the girl or woman when such incident takes place. Police could not get any independent witness. This Court is avoiding to make observations with regard to other probabilities, but there is clear probability that the prosecutrix had become angry as she was compelled to leave the hostel due to the previous incident. Misuse of the provisions of the Atrocities Act, which is a special legislation, is increasing day by day.

06. In view of the above, this Court holds that the applicant is entitled for pre-arrest bail.

07. Learned Advocate for the applicant submits that the applicant has attended the concerned Police Station on the dates mentioned in the order of this

Court passed 23rd March 2017

08. In the result, the Application is allowed.

Ad interim pre-arrest bail granted by this Court by order passed on 23rd March 2017 is hereby confirmed. As the applicant had attended the concerned Police Station for interrogation / investigation as per order made on 23rd March 2017, it is not necessary for the applicant to attend the concerned Police Station in future.

(T.V. Nalawade)
JUDGE

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