

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.780 OF 2017

Sanket Wani

Applicant

versus

The State of Maharashtra

Respondent

Mr.Niranjan Mundargi i/by Swapna Kode for Applicant.
Smt.J.S.Lohokare, APP, for State.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 13th June 2017

PC :

1. Leave to amend to annex copy of order rejecting application for anticipatory bail by Sessions Court. Amendment to be carried out forthwith.
2. This is an application for anticipatory bail. The Applicant is apprehending arrest in connection with CR No.43 of 2017 registered with Colaba Police Station, Mumbai for offence punishable under Sections 377, 109 of Indian Penal Code with Sections 6, 10 and 17 of The Protection of Children from Sexual Offenses Act, 2012.
3. The Applicant and the father of Applicant are impleaded as accused in the said complaint. The complainant is the step mother of the Applicant. It is alleged that the Applicant-accused had committed sexual assault amounting to offence under Section 377 of IPC upon the son of the complainant. It is further alleged that the

victim was subjected to sexual assaults since he was ten years of old. Today the victim is aged about 17 years. The complaint has been lodged belatedly.

4. Learned advocate for the Applicant submitted that there is fierce battle going on between the Applicant's father and the complainant who are husband and wife. The Applicant has been falsely implicated in the alleged crime. The Applicant was granted interim protection by this Court vide order dated 2nd May 2017. The Applicant has reported the police station.

5. Learned APP submitted that the Applicant has committed serious crime. He had subjected the victim to sexual assault and has committed unnatural offence. She submitted that presence of the Applicant is required for medical examination. She, however, fairly admitted that the Applicant had attended the police station as directed by this Court.

6. Learned APP further submitted that on account of the nature of complaint, the Applicant should not reside in the same premises. Learned advocate for the Applicant, however, submitted that the Applicant and his father are residing separately.

7. In the light of aforesaid circumstances, it is not a case where the custodial interrogation of the Applicant is required. It appears that there is a dispute between the Applicant's father and the complainant who is the step mother of Applicant. The FIR has been lodged belatedly. The provisions of The Protection of Children from

Sexual Offenses Act, 2012 are invoked in view of the fact that at the time when the victim was subjected to sexual assault, he was aged about eight years. Today the victim is aged about 17 years.

8. Considering these circumstances, I am inclined to pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed;
- (ii) Interim order dated 2nd May 2017 is confirmed;
- (iii) The Applicant is directed to report Coloba Police Station, Mumbai once a week on every Saturday between 10.00 a.m. to 12.00 p.m. till filing of the charge sheet;
- (iv) The Applicant shall co-operate with the investigation and make himself available for medical examination;
- (v) The Applicant shall not tamper with the witnesses;
- (vi) The application stands disposed of.

(PRAKASH D. NAIK, J.)

MST