

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.805 OF 2017

Kamlesh s/o Ramdayal Lilhare

-vs-

State of Maharashtra, Thr. PSO, PS Salekasa, Dist. Gondia

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri I. S. Charlewar, Advocate for applicant.

Shri A. A. Madiwale, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : November 27, 2017

Heard.

The applicant apprehends his arrest in connection with Crime No.220/2017 registered at Police Station Salekasa, Dist. Gondia for the offence punishable under Sections 354 and 354-A read with Section 34 of the Indian Penal Code.

As per the First Information Report dated 14/09/2017 the family of the informant and the family of the applicant were not on talking terms for almost five years. On 13/09/2017 it is stated that the applicant had come to the house of the informant and had abused her. The informant then went to inform her relatives about the incident. When she returned back, it is stated that the applicant caught her hand and tried to molest her.

It is submitted on behalf of the applicant that considering the strained relations between the parties, a false report has been lodged. There is no reason for the applicant to

molest the informant. It is further submitted that considering the nature of allegations, there is no reason for grant of custodial interrogation.

Reply has been filed opposing the application. It is stated that considering the nature of allegations and injuries on the informant, the applicant is not entitled for protection. There is an earlier offence registered against him and therefore application deserves to be rejected.

Perused the First Information Report as well as other documents placed on record. The relations between the parties appear to be strained. There is a statement of one Gangabai referring to the alleged incident. The injury certificate indicates simple injuries with abrasion. Considering the nature of allegations made against the applicant and as the earlier offence registered is stated to be non-cognizable in nature, a case is made out to grant protection to the applicant subject to his co-operating in the investigation.

Accordingly, in the event of applicant's arrest in connection with Crime No.220/2017 registered at Police Station Salekasa, Dist. Gondia for the offence punishable under Sections 354 and 354-A read with Section 34 of the Indian Penal Code, he shall be released on bail on furnishing PR Bond of Rs.20,000/- (Rupees Twenty Thousand) with one surety in the like amount.

The applicant shall attend the concerned police station on 05/12/2017 between 11 am and 1 pm and thereafter as per

the directions of the Investigating Officer.

The applicant shall not threaten or force the informant and her family. So also no steps be taken to influence the prosecution witnesses.

The observations made in this order are only for deciding this application which is allowed and disposed of.

JUDGE