

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

**ANTICIPATORY BAIL APPLICATION NO.183 OF 2018**

Mr. Omkar Pandurang Shelke .... Applicant

Vs.

The State of Maharashtra .... Respondent

Mr. Abhishek Prakash Patil a/w Mr. Prasad Gawde a/w Mr. Pranav Pokale for the Applicant.

Mr. Y.M. Nakhwa, APP for the State.

Mr. G.S. Shinde, PSI, Faraskhana Police Station, Pune

***Coram : Smt. Sadhana S. Jadhav, J.***

***Date : 9<sup>th</sup> February, 2018***

P.C.:

1            Heard the learned counsel for the applicant and the learned APP.

2            This is an application under Section 438 Code of Criminal Procedure. The applicant herein is apprehending his arrest in Crime No.833 of 2017, registered at Shirur Police Station, District Pune for the offences punishable under Sections 305, 511, 354-D, 504, 506 and 507 of Indian Penal Code and under Section 12 of Protection of Children from Sexual Offences Act, 2012.

3           It is the case of the prosecution that on 26<sup>th</sup> November 2017, the first informant Savita Bhaskar Palaskar lodged a report at the police station alleging therein that on that day since her son was not keeping well, she had taken him to the hospital. Her minor daughter Ms. "X" was at home. While she was on her way to her house, she had received a phone call from Cellphone no.7709871717. The caller had informed the first informant that he was Omkar (i.e. the present applicant). He had threatened her that her daughter was alone at home and that he would harm her husband and the other members of the family. She rushed to her house and knocked the door. Her daughter opened the door and before saying anything, her daughter fainted. There was smell of poisonous substance. Thereafter the complainant had taken her daughter to Manikchand Hospital and admitted her there. In the hospital, her daughter disclosed that the applicant was standing in front of her house and stalking and harassing her. He was insisting upon her to open the door. He had threatened that her family members would be killed. She got scared and consumed poisonous substance Neon. The statement of victim was recorded. She had disclosed that a year ago, the present applicant alongwith his friends had kidnapped her. Her parents lodged a report at Shirur police station and then she was traced and rescued. Even thereafter he was stalking and harassing her.

4           On the day of the incident at about 4.15 pm., he had knocked on the door. He was coercing her to open the door and threatening her of dire consequences. She had heard the present applicant speaking on the cellphone and informing her mother that her daughter is alone at home and that he would deal with her. She was scared and thereafter she had consumed poison.

5           It is pertinent to note that the victim is hardly 15 years old. Crime No. 319 of 2016 was registered at Shirur police station against the present applicant for kidnapping Ms. "X". He continued to stalk her.

6           Taking into consideration the papers of investigation, the safety of the victim and her family and conduct of the present applicant, this Court is not inclined to grant discretionary relief under Section 438 Cr.P.C.. Hence, the application being sans-merits stands rejected.

7           The observations made hereinabove are prima facie in nature and are restricted to the application under Section 439 Code of Criminal Procedure and the trial Court shall not be influenced by the same.

( *Smt. Sadhana S. Jadhav, J*)