

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

ANTICIPATORY BAIL APPLICATION NO.837 OF 2018

1. Swapnil Navnath Shete	
2. Sandeep Sampat Sable	...Applicants
Versus	
The State of Maharashtra	...Respondent

ANTICIPATORY BAIL APPLICATION NO.838 OF 2018

1. Manoj @ Dattatray Amrut Katkar	
2. Vishal Haribhau Katkar	...Applicants
Versus	
The State of Maharashtra	...Respondent

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Mr. Satyavrat Joshi with Mr. Sunil S. Kamble for the Applicants.
Mr. S.H. Yadav, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 1st NOVEMBER, 2018.

P.C.:-

Not on board. Taken on board.

2. These are the applications filed under Section 438 of the Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in C.R. No.310 of 2018 registered with Chakan Police Station, District-Pune, for offences punishable under Section 354 of the Indian Penal Code, 1860 and Section 12 of the Protection of Children from Sexual Offences, Act, 2012.

3. Heard Mr. Satyavrat Joshi, the learned counsel for the Applicants and Mr. S.H. Yadav, the learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

4. The aforesaid crime was registered pursuant to the FIR lodged by the victim girl, who is 16 years of age. She has alleged that on 15.3.2018 while she was proceeding towards her resident, the Applicants stopped the car near her and the Applicant-Swapnil told her that he loves her. She has further stated that on 25.3.2018 the Applicant-Swapnil once again told her that he is in love with her and that he wants to marry her. The victim has stated that the Applicant had also made certain gestures and had thereby outraged her modesty.

5. The records reveal that the Applicants were granted interim bail on 24.4.2018. The learned counsel for the Applicants submits that the Applicants have complied with the conditions of bail and reported to the investigation officer. The learned APP concedes that the Applicants have been interrogated and that their presence is not required for investigation and/or interrogation.

6. The above facts as well as the nature of allegations levelled against the Applicants, do not justify custodial interrogation. The Applicants are permanent residents of Sablewadi, Taluka-Khed, hence there are no chances of their absconding or fleeing from the course of justice. The Applicants have no criminal antecedents.

7. Under the circumstances, the applications are allowed on following terms and conditions:-

- (i) In the event of arrest of the Applicants in C.R. No.310 of 2018 registered with Chakan Police Station, District-Pune, the Applicants shall be released on bail on furnishing bail bonds of Rs.25,000/- each with one or two solvent sureties in the like amount.
- (ii) The Applicants shall report to the investigation officer as and when required and called by him.
- (iii) The Applicants shall furnish their permanent as well as temporary addresses, if any, and their contact details to the investigation officer.
- (iv) The Applicants shall not change their residential

addresses without prior intimation to the investigation officer.

- (v) The Applicants shall not interfere with the victim and /witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)