

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

ANTICIPATORY BAIL APPLICATION NO. 1491 OF 2018

Pranochyar @ Pralhad Marutirao Katare & Anr. ...Applicants

Versus

The State of Maharashtra ...Respondent

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Mr. S.G. Rajput for the Applicants.

Mr. Y.Y.Dabke, APP for the Respondent/ State.

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**CORAM: PRAKASH D. NAIK, J.
DATED: AUGUST 23, 2018**

P.C. :

1. This is an application for anticipatory bail in connection with CR No. 287 of 2018 registered with M.I.D.C. Police Station, Mumbai for offences under Sections 354, 504, 506 read with 34 of the Indian Penal Code as well as under Section 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO).

2. The victim girl is aged about 17 years. The First Information Report (F.I.R.) is lodged by Smt.Serunnisa Anwar Ali Khan on 18th

June, 2018. It is alleged that on 2nd June, 2018 at about 3.30 p.m., when her younger daughter was proceeding to the house of her elder daughter, two persons came behind her, moved their hands on her back, touched her inappropriately and also abused her thereby committing offences under Sections 354 and 504 of the Indian Penal Code since the victim was below 18 of age. The provisions of Section 8 of the POCSO were also invoked.

3. The learned counsel for the applicant submitted that there is dispute over the drainage line in the chawl between the family of the applicants and the first informant. It is submitted that as a matter of fact, the first informant is a neighbour of the applicants in the chawl. The wife and the daughter of applicant No.1 on earlier occasion have lodged complaint against the first informant and her family members over inter se dispute and on that background, the false case has been registered against the applicants. Applicant No.2 is a son of applicant No.1. It is noted that the alleged incident had occurred on 2nd June, 2018 where the F.I.R. was lodged on 18th June, 2018.

4. The complainant has alleged that the victim daughter had informed her that two persons have abused her, touched on her back and pulled her, which has resulted into outraging her modesty. It is alleged that on queries made subsequently, the names of the applicants were disclosed as the persons who have committed alleged act.

5. Learned APP pointed out that the statement of the victim girl is recorded under Section 164 of the Code of Criminal Procedure, 1973. In the said statement, it is alleged that applicant No.2 had touched the victim girl on her back and applicant No.1 had allegedly abused her by using filthy language.

6. The applicants and the complainant are apparently the neighbours. There are several complaints lodged at the instance of the applicants against the complainant and her family members. The copies of the said complaints are annexed to this application. While granting interim relief by order dated 26th July 2018, this Court had taken note of these aforesaid aspects and adjourned the matter for taking instructions. It is also noted that after perusing the documents and record, it appears that there is

substance in the submissions advanced by the learned counsel for the applicants. There is dispute between both the sides. There is a delay in lodging the F.I.R.

7. After taking into account the aforesaid facts and circumstances, the case for grant of bail to the applicants in the present application is made out. Hence, I pass following order:

ORDER

- i) Anticipatory Bail Application No. 1491 of 2018 is allowed.
- ii) Interim order dated 26th July, 2018 is confirmed.
- iii) In the event of arrest of the applicants in connection with CR No. 287 of 2018 registered with M.I.D.C. Police Station, Mumbai for offences under Sections 354, 504, 506 read with 34 of the Indian Penal Code as well as under Section 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO), the applicants shall be released on bail on furnishing PR Bond in the sum of Rs. 15,000/- each (Rupees Fifteen Thousand only) with one or two separate local sureties in the like amount.

- iv) The applicants shall not tamper with the evidence and/or influence the prosecution witness.
- v) The applicants are directed to report M.I.D.C Police Station, Mumbai once in a fortnight on every Saturday between 10.00 a.m. to 12.00 noon till filing of the chargesheet.
- vi) Anticipatory Bail Application No. 1419 of 2018 stands disposed of.

(PRAKASH D. NAIK, J.)