

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

CRIMINAL APPLICATION (ABA) NO.479 OF 2018

(Manoj Manohar Gadhe and another ..vs. State of Maharashtra, through PSO, PS Shivaji Nagar,
Khamgaon)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.V. Sirpurkar, Counsel for the applicant,
Shri V.A. Thakare, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 25-07-2018

The applicants are apprehending arrest in Crime 222/2018 registered with Shivaji Nagar Police Station, Khamgaon for offences punishable under Sections 354, 354-A and 506 read with Section 34 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act.

2. Applicant 2 is the mother of the child victim. Applicant 1, according to the prosecution, is in a relationship with applicant 2. The child victim went missing on 09-6-2018 and on 10-6-2018 applicant 2 lodged a police report alleging that she was abducted. The circumstances in which the child victim left the house are blurred and contentious. The child victim then lodged a report on 11-6-2018 alleging sexual misconduct against applicant 1. The report implicates applicant 2 to the extent that according to the child victim, she

encouraged the misconduct of applicant 1.

3. At this stage, there are two dramatically different versions available on record as to the circumstances in which the child victim left home. Be that as it may, in the light of the accusations and the material on record, *prima facie* custodial interrogation of the applicants may not be necessary. The learned Sessions Judge has observed that the safety of the child victim would be jeopardy if anticipatory bail is granted to the applicants. The parents of the child victim are estranged and the father was living separately at the relevant time. The learned Additional Public Prosecutor states that the child victim is presently residing with her father at Khamgaon. The apprehension that the applicants may attempt to browbeat the child victim can be taken of by imposing stringent conditions.

4. This is a fit case for this Court to exercise discretion particularly as the role attributed by the child to the mother at this stage appears to be a bit improbable.

5. The application is allowed.

6. The interim order dated 04-7-2018 is confirmed with the following modifications :

(i) Applicant 1 shall not enter the territorial limits of Khamgaon till the conclusion of the trial, unless his

presence in Khamgaon is necessary on dates of hearing or unless he is permitted to do so for exceptional and compelling reasons by the learned trial Judge.

(ii) The applicants shall attend the Shivaji Nagar Police Station, Khamgaon as and when required to do so by the Investigating Officer.

JUDGE

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