

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

ANTICIPATORY BAIL APPLICATION NO. 468 OF 2019

Pradip Uttam Shirsat	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Ranjeeth Patil a/w Mr. Shailesh Chavan for the Applicant.
Mr. Prashant Jadhav, A.P.P. for the Respondent – State.
Mr. Mahesh Ramchandra Mane, Police Naik, Indapur Police Station,
present.

CORAM : P.N. DESHMUKH, J.

DATED : 18th MARCH, 2019.

P.C. :

1 Heard learned Counsel for the applicant and learned A.P.P.
Perused the case diary. The application is for grant of anticipatory bail in
Crime No.60 of 2019 registered with Indapur Police Station for the
offences punishable under Sections 354A, 506 of I.P.C. Perusal of report
dated 29.01.2019 would reveal that same refers to one incident of October
2018 and, thereafter of 18.01.2019, on which dates applicant is alleged to
have inappropriately touched the complainant by catching her hand while
she was in the school canteen and on one occasion when she was staying in
her maternal uncle's house. As per her report subsequent incident which

took place in the house of her maternal uncle is witnessed by her grandmother Kamal and maternal uncle Ashok. Statements of both these witnesses as such corroborate contents of report. Learned A.P.P. therefore contended that there is direct evidence against the applicant and prays that application be rejected.

2 Learned Counsel for applicant has tendered at bar certified copy of affidavits taken on record marked 'X' for identification, sworn by prosecutrix and her father stating therein that report came to be lodged against the applicant due to misunderstanding as at the time of lodging of report relations between the applicants and complainant were strange. Learned Counsel for applicant had also made a statement that applicant has filed Criminal Writ Petition No. 1161 of 2019 praying for quashing of F.I.R. out of which present Application arise and has, therefore, prayed that Application be allowed.

Learned trial Court does not appear to have considered these affidavits as there is no reference to the same in the impugned order.

3 Having considered the facts as aforesaid, though according to the report, there are eye witnesses and their statements corroborate with the contents as stated in the F.I.R. Having considering the facts of complainant as well as her father stating that the report came to be lodged

out of misunderstanding and as applicant has adopted necessary recourse of quashing of F.I.R., application is liable to be allowed as per order below :

ORDER

(i) In the event of arrest of applicant in C.R. No.60 of 2019 registered with Indapur Police Station for the offences punishable under Sections 354A, 506 of I.P.C. and Sections 8, 12 of POSCO Act, he shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount;

(ii) Applicant shall attend Investigating Officer if called till filing of charge-sheet.

(P.N. DESHMUKH, J.)