

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

ANTICIPATORY BAIL APPLICATION NO.1944 OF 2019

Nikhil Sanjay Kharat

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Ranjeet M. Pawar, Advocate for Applicant.
- Ms. S. S. Kaushik, APP for the State/Respondent.

**CORAM: SARANG V. KOTWAL, J.
DATE : 4th SEPTEMBER, 2019**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 570/19 registered with Baramati City Police Station under section 354 of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. (POCSO Act).
2. The FIR is lodged by mother of the victim on 16th August 2019. She has stated in her FIR that on 15th August 2019, at around 7.30 p.m., her daughter and niece had gone out

of the house. The applicant approached them and held her daughter's hand. He asked her daughter about her wish. It is further alleged that the victim did not answer and came back home running. She told the informant about the incident. The informant came out of the house. The applicant was still waiting there itself. The informant caught hold of him and took him to the police station and lodged this FIR.

3. Heard, Mr. Ranjeet Pawar, learned counsel for the applicant as well as Ms. Kaushik, learned APP for the State.
4. Learned counsel for the applicant submitted that the act of the present applicant does not fall under any of the ingredients of the provision of the POCSO Act.
5. Learned APP opposed this application by submitting that the victim was a young girl and the applicant should not have held her hand against her wish.
6. I have considered these submissions. From the allegations it appears that he had held the victim's hand against her wish, but he had stood there and had not run away. He had not even obstructed her from going home. Therefore, whether

he has applied any force with intention to outrage her modesty, will be the subject matter of trial. The applicant had held the victim's hand against her wish, but whether he had intention to outrage her modesty or was aware that by his act her modesty would be outraged, would be a subject matter of trial. However, at this stage, on such allegations, custodial interrogation of the present applicant is not necessary. He can be protected by an order of anticipatory bail. Hence, the following order:-

ORDER

- (i) In the event of his arrest in connection with C.R. No.570/19 registered with Baramati City Police Station, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) The applicant shall not, in any manner, try to contact the victim or her mother.
- (iii) The applicant shall attend the concerned police station on first Monday of every month between

10.00 a.m. to 11.00 a.m., till filing of the chargesheet.

(iv) Application stands disposed of.

(SARANG V. KOTWAL, J.)