

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 866 OF 2020

Rajkumar Dnyandeo Babar	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. R. G. Hange, Advocate for the applicant
Mr. S. P. Tiwari, APP for respondent - State

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**CORAM : R. G. AVACHAT, J.
(Vacation Court)**

DATED : 10th NOVEMBER, 2020

PER COURT :

1. This is an application for bail under Section 438 of the Code of Criminal Procedure. The applicant claims to have an apprehension of being arrested in connection with Crime No.387 of 2020, registered at Gondi Police Station, Taluka Ambad, District Jalna, for the offences punishable under Sections 354-A, 452, 506 of Indian Penal Code.

2. Heard. Perused the First Information Report (FIR).

It is alleged in the FIR that on 13.09.2020, at about 8.30 p.m., the informant was engaged in cooking. Her husband was away in the field. The applicant suddenly entered her house and inquired

about whereabouts of her husband. When he learnt that the husband of the informant is in the field, the applicant dragged the informant close to him and removed buttons of her blouse with an intention to outrage her modesty. The informant raised alarm. A person from her neighbourhood came. The applicant, thereupon, ran away.

3. The learned APP would submit that the offence is serious one. It has been committed against a woman. He, therefore, urged for rejection of the application.

4. Except the offence punishable under Section 452 of Indian Penal Code, rest of the offences allegedly committed by the applicant, are bailable one. It appears that all is not well between the family of the informant on one hand and of the applicant on the other. There is on record a copy of FIR dated 18.07.2020 lodged by wife of the present applicant against the husband of the informant. It is alleged in the said FIR that husband of the informant had entered the house of the applicant when he was away. He groped the applicant's wife. He fondled her breast and said that he would commit rape on her.

5. Learned Advocate for the applicant contends that false FIR has been filed as counterblast to the alleged incident dated 18.07.2020.

6. Be that as it may, from the allegations in the FIR, no custodial interrogation of the applicant is required. I am, therefore, inclined to grant him anticipatory bail. Hence, following order :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.387 of 2020, registered at Gondi Police Station, Taluka Ambad, District Jalna, for the offences punishable under Sections 354-A, 452, 506 of Indian Penal Code, the applicant be released on executing P R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) with surety in the like amount.
- (iii) The applicant shall appear before the investigating officer as and when required.
- (iv) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]