

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

908 ANTICIPATORY BAIL APPLICATION NO.228 OF 2021

Anand s/o Shivaji Ghodake,
Age; 27 years, Occ; Service,
R/o; Andoor, Tq. Tuljapur,
District; Osmanabad.

...Applicant
(Orig. Accused)

VERSUS

The State of Maharashtra
Through Police Station,
Naldurg, District; Osmanabad.

...Respondent

...
Advocate for Applicants : Mr.Deshmukh Vivekanand B.
APP for Respondent-State : Mr. S.D.Gayal
...

CORAM : SANDEEP K. SHINDE , J.

DATE : 04th August, 2021.

P. C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. Applicant seeks pre-arrest bail in connection with Cr. No. 31 of 2021 registered at Naldurg Police Station, District Osmanabad for the offences punishable under Sections 363, 366(A), 376(D), 376(3) read with Section 34 of the Indian Penal Code ('IPC' for short) and under Sections 4, 8, 16 and 17 of the Protection of Children from

Sexual Offences Act, 2012 ('POCSO' for short).

3. On 27th June, 2021 this Court was pleased to pass following order :

"1.After hearing both the sides for sometime, it transpires that the victim, who happens to be a girl of 14 years, in her statement under Section 164 of the Code of Criminal Procedure has specifically named the applicant and has also attributed specific role to him regarding his involvement in the crime. However, simultaneously, during the course of investigation, the Investigating Officer has obtained a CCTV footage of establishment, where the applicant has been working of the relevant time. He has also recorded the statements of the bank employees and has apparently examined the muster roll, which all indicate his presence at the work place. It is, in view of such inconsistent material available with the Investigating Officer, perhaps, though he has filed the charge-sheet against the co-accused, he has not named the applicant.

2. It is now informed that the Investigating Officer has forwarded the CCTV footage for forensic analysis. In the peculiar facts and circumstances, forensic report would be a vital piece of evidence either to belie the employees of the establishment, where the applicant is working or to belie the victim.

3. The applicant has already been protected by way of ad-interim anticipatory bail by order dated 27-05-2021. It would, therefore, be appropriate to continue the interim protection and in the meanwhile to wait for the Investigating Officer to obtain forensic report of CCTV footage.

4. The matter is adjourned to 15-07-2021.

5. Interim relief to continue till then."

4. Today, learned APP has placed before me the report

submitted by the Assistant Director of Directorate of Forensic Science Laboratories, M.S. Home Department, Mumbai-98. in relation to Hard Disk -1 and Hard Disk -2 (CCTV footage). A copy of the report is taken on record and marked as X-1 for identification.

5. Forensic report indicates and observes the presence of the applicant in the bank premises through out day from 10.00 a.m. till 5.00 p.m. Therefore, apparently the allegations by the victim against the applicant are not probable. I have no reason to discard or overlook the forensic laboratory's report.

6. In consideration of the facts of the case and for the reasons stated, the applicant has granted pre-arrest bail on the following terms :

7. (i) In the event of arrest of applicant in connection with Cr. No. 31 of 2021, registered at Naldurg Police Station, District Osmanabad for the offences punishable under Sections 363, 366(A), 376(D), 376(3) read with Section 34 of the Indian Penal Code ('IPC' for short) and under Sections 4, 8, 16 and 17 of the Protection of Children from Sexual Offences Act, 2012 , he shall be released on bail on executing P.R. bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with one or more sureties in the like amount.

(ii). The applicant shall join the investigation as and when

called by the Investigating Officer.

8. Application is allowed and disposed of.

(SANDEEP K. SHINDE)
JUDGE

mahajansb/