

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

915 ANTICIPATORY BAIL APPLICATION NO.281 OF 2021

GANGADHAR VISHWANATH WARGUDE
VERSUS
THE STATE OF MAHARASHTRA

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Mr. N.S. Ghanekar, Advocate for the applicant.
Mr. V.S. Badakh, A.P.P. for respondent – State.
Mr. R.B. Ade, Advocate to assist the PP.

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CORAM : **PRAKASH D. NAIK, J.**

DATE : 06-10-2021

ORDER :

1. The applicant is apprehending arrest in CR No.60/2021 registered with Shirdi Police Station, District Ahmednagar on 8th February 2021 for the offences punishable under Sections 354(A), 354(D), 506 of the Indian Penal Code (for short, "IPC").

2. The applicant was granted interim protection vide order dated 18th March 2021. It is pertinent to note that the offences, which were registered as per the F.I.R., were bailable in nature. Vide order dated 7th April 2021, it was recorded that the complainant had filed an application to the Superintendent of Police alleging that the F.I.R. has not been registered according to her narration. The learned Advocate for the applicant had also expressed apprehension that the Investigating Officer may invoke Section 354 of IPC and the application was adjourned by continuing the interim protection.

3. The learned Advocate for the applicant submits that the applicant had appeared before the Investigating Officer and he has handed over cell phone on 4th June 2021.

4. Learned A.P.P. submitted that on 22nd September 2021 charge-sheet has been filed against the applicant. Additional offence under Section 354 of the IPC has been invoked against the applicant. The proceedings are numbered as R.C.C. No. 608/2021.

5. Learned Advocate for the complainant submitted that the offence under Section 354 of the IPC is non-bailable. The complainant had preferred Criminal Writ Petition No. 556 of 2021 before the Division Bench of this Court which was disposed of by issuing certain directions and in pursuant to that Section 354 of the IPC has been added. He submitted that the custodial interrogation of the applicant is necessary.

6. It is pertinent to note that initially the F.I.R. was registered for the offences as stated above and now by invoking Section 354 of the IPC, charge-sheet has been filed against the applicant. Considering the factual aspect, the applicant need not be subjected to custodial interrogation. Hence, the following order.

ORDER

- (i) ABA No. 281 of 2021 is allowed.
- (ii) In the event of arrest of the applicant in CR No.60/2021 registered with Shirdi Police Station, District Ahmednagar, the applicant be released on bail on executing P.R. bond in the sum of Rs.

(3)

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25,000/- with one or more sureties in the like amount.

(iii) The applicant shall not tamper with the evidence.

7. The application stands disposed of.

(PRAKASH D. NAIK, J.)

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