

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 ANTICIPATORY BAIL APPLICATION NO.808 OF 2021

Krishna Arun Barde ...Applicant

Versus

The State of Maharashtra ...Respondent

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Advocate for the Applicant : Mr. A. R. Gaikwad

APP for the Respondent – State : Mr. N. T.Bhagat

Advocate for informant to assist APP : Mr. C. V. Dharurkar

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CORAM : PRAKASH D. NAIK, J.

DATE : 13th OCTOBER, 2021

PER COURT :-

1. This is an application for anticipatory bail in Crime No. 0139/2021 registered with Pimpalner Police Station, District Beed for the offences punishable under Sections 354, 354A, 354D, 506 of the Indian Penal Code and Section 8 and 12 of the Protection of Children From Sexual Offences Act, 2012.

2. The First Information Report (for short “FIR”) is registered on 20.06.2021 by the victim aged about 17 years. It is alleged that the applicant was repeatedly stalking the victim. He used to express his love to her and instigate her to elope with him.

He threatened her that if she discloses the incident to her family member they would be killed. On 20.06.2021 when the complainant was fetching water from well, the applicant came to the said place and caught her hand and pulled her. In the result, her "Odhani" got torned. He also expressed that he is in love with her and would take her. She shouted and on hearing shouts the witnesses gathered at the spot of incident. The accused managed to flee from the place of incident.

3. The applicant had preferred an application for anticipatory bail before the Court of Sessions which has been rejected vide order dated 17.07.2021.

4. Learned Advocate for the applicant submits that the allegations in the FIR are false. The applicant did not cause any harassment to the victim at any point of time. Prior to registration of the FIR, the mother of applicant had lodged the complaint to the police against the uncle of the informant and others. The copy of the complaint has been annexed to this application. In the complaint it was alleged that the applicant's mother was harassed by the accused. Her modesty was outraged. The complaint was submitted on 14.06.2021. Thereafter FIR was registered at the instance of mother of the

applicant on 17.06.2021 for offences punishable under Sections 324, 504, 506, 509, 34 of the IPC. Although the complaint makes out offence under Section 354 of the IPC the said provision was not invoked in the FIR lodged by the mother of the applicant. Subsequently the applicant's mother made grievance about non invocation of Section 354 of the IPC and the said provision was invoked. The present FIR has been registered on 20.06.2021 as counter blast to the complainant by applicant's mother. It is submitted that the applicant is witness in the FIR lodged by his mother and that is one more reason for falsely implicating him in the crime.

5. Learned APP submits that the investigation is in progress. The victim who was the minor. She is harassed by the accused.

6. Learned counsel for the complainant submits that the FIR attributes role to the applicant. The victim was aged about 17 years. The incident in FIR and the complaint lodged by the mother of the applicant are two different issues. The version of the complainant is fortified by the statements of the witnesses who had reached the spot at the time of the incident. The 'Odhani' of the victim has been recovered which also supports the case of the prosecution. The applicant had

been harassing the victim. He used to stalk her.

7. The victim is aged about 17 years. It is alleged that since one year the applicant has been stalking her.

8. There are no previous complaint against the applicant. It is alleged that the applicant had expressed his love to victim. It is also noted that the mother of the applicant had lodged the FIR prior to the registration of the present case against uncle of the victim and others. The applicant was granted interim protection vide order dated 02.08.2021.

9. Considering the factual aspects of this matter, the relief under Section 438 can be granted on certain terms and conditions :

ORDER

(i) Anticipatory Bail Application No. 808 of 2021 is allowed.

(ii) In the event of arrest of the applicant in Crime No. 0139/2021 registered with Pimpalner Police Station, District Beed, the applicant be released on bail on executing PR bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one or more sureties in the like amount.

(iii) The applicant shall report Investigating Officer on 20th, 21st and 22nd October, 2021 between 11.00 a.m. to 01.00 p.m.

(iv) The applicant shall not cause any harassment, intimidation to the victim or her relatives.

(v) The applicant shall not enter into the vicinity of the place of residence of the victim.

(vi) Application stands disposed of.

(PRAKASH D. NAIK)
JUDGE

shp/-