

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

923 ANTICIPATORY BAIL APPLICATION NO. 953 OF 2020

1. VILAS S/O. MAROTI RATHOD  
2. MAROTI S/O. SHANKAR RATHOD  
3. PUTALABAI W/O. MAROTI RATHOD  
VERSUS  
THE STATE OF MAHARASHTRA

Application dismissed against applicant No. 1 as  
per Court's order dated 23.10.2020.  
Advocate for Applicant Nos. 2 & 3 : Mr. M.P. Kale.  
APP for Respondent : Mr. V.M. Kagne.

**CORAM : MANGESH S. PATIL, J.  
DATED : 02.02.2021**

**PER COURT :**

This is an application under Section 438 of the Code of Criminal Procedure, as the applicants are apprehending their arrest in connection with Crime No. 336/2020 registered with Sonpeth Police Station, Taluka Sonpeth, District Parbhani, for the offences punishable under Sections 354 - B, 323, 324, 504, 506 read with Section 34 of the Indian Penal Code.

2. Briefly stated the allegations are to the effect that the applicant No. 1 who happens to be the son of the applicants Nos. 2 and 3, with an intention to molest the informant made an attempt to disrobe her. Couple of persons passing by reached

the spot when she raised an alarm and they rescued her. In the meantime the applicants also arrived there and assaulted the informant. The FIR was lodged and the offence was registered as mentioned above.

3. The learned Advocate for applicants submits that to the extent of applicant No. 1, the application has already been withdrawn and dismissed on 23.10.2020.

4. The applicant Nos. 2 and 3 have already been protected by way of ad interim relief. They had no role to play as far as first episode which is an offence punishable under Section 354 - B of IPC.

5. So far as the second episode, only one simple injury is attributed to the applicant No. 2. Even the stick seems to have been recovered. Their custodial interrogation is not necessary and the ad interim protection may be confirmed.

6. Learned APP strongly opposes the application. He submits that there is direct evidence attributing specific role to each of the applicant Nos. 2 & 3. There are couple of independent

witnesses in the form of Baliram Devidas Rathod and Limbabai Pawar. There is an injury certificate which corresponds to the allegations and reads about injury on the back of the informant. Since the offence is serious application may be rejected.

7. I have carefully gone through the papers of the investigation. It is quite apparent that the incident comprises of two episodes. During the first episode, the applicant No. 1 has made an attempt to disrobe the informant. She was rescued by witness Baliram and even Limbabai Pawar arrived there in a short while. Conspicuously, the applicant Nos. 2 and 3 were not present during this first episode.

8. It is alleged that it is during the second episode, when they arrived at the scene the applicant Nos. 2 and 3 are stated to have assaulted the informant, former by stick and latter by giving slaps.

9. As can be appreciated, the stick allegedly used by the applicant No. 2 has already been recovered. Considering the fact that the informant sustained only one simple injury on the back, and that they have not played any role in connection with the

offence punishable under Section 354 - B of IPC, the ad interim protection deserves to be confirmed with the same terms and conditions.

10. Application to the extent of applicant Nos. 2 and 3 is allowed. The ad interim relief granted by the order dated 23.10.2020 stands confirmed with the same terms and conditions.

**( MANGESH S. PATIL, J. )**