

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

39 ANTICIPATORY BAIL APPLICATION NO.1089 OF 2021

Shahaji Subhash Lokhande ...Applicant

Versus

The State of Maharashtra and another ...Respondents

...

Advocate for the Applicant : Mr. P. B. Shirsath

APP for the Respondent – State : Mr. A. S. Shinde

Advocate for Respondent No. 2 : Mr. S. V. Suryawanshi

...

CORAM : PRAKASH D. NAIK, J.

DATE : 04th OCTOBER, 2021

PER COURT :-

1. This is an application for anticipatory bail in C.R. No. 563 of 21 registered with Shrigonda Police Station, District Ahmednagar for the offences punishable under Sections 354 and 452 of the Indian Penal Code and 7 and 8 of the Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution is that the applicant is neighbour of victim. She is a minor aged about 15 years. On 15th August 2021 at about 7.45 p.m. the accused outraged her modesty. The First Information Report (for short "FIR") was

lodged by the father of the deceased.

3. The submission of learned counsel for the applicant is that the applicant is falsely implicated in this case. Both the families are residing in the same vicinity. For the entire vicinity there is separate DP / transformer for supply of electricity which had failed and not in working condition. The people were residing therein decided to repair the said DP / transformer by collecting funds. The applicant and his sister's husband had been to the house of Ramchandra Lonkar and others. The complainant's family got annoyed and threatened the applicant. The applicant left the house. On 15.08.2021 the complainant had been to Shrigonda Police Station at about 9.00 p.m. The FIR was registered. The uncle of the applicant was threatened by the father of the complainant and Baban Anantkar. N.C. No. 1276/2021 was filed under Sections 323, 504, 506 read with Section 34 of the IPC.

4. Learned counsel for the applicant submits that the FIR is false. The applicant is a Government servant. He is working in PWD. In the event of arrest and custody his employment will be in jeopardy. The uncle of the applicant had filed NC complaint against the father of the complainant and others

prior to registration of the present FIR.

5. Learned APP submits that the FIR makes out offence under Section 354 of IPC. Learned Advocate for complainant submits that complainant / victim has no objection for allowing this application.

6. I have perused the FIR and other documents. There was quarrel between the parties prior to the incident. Complaint was filed by the uncle of the applicant prior to the FIR. Considering the factual aspect, applicant need not be subjected to custodial interrogation.

7. Learned APP submitted that applicant has one antecedent under Section 394 IPC. Learned counsel for the applicant submitted that from the FIR in that case, it can be seen that the allegations false case was lodged against applicant. It was accepted that sum amount of Rs. 1,000/- was taken from the pocket of the complainant therein. The applicant was immediately granted bail.

8. Considering the factual aspect of this case, the custodial interrogation of the applicant is not necessary.

ORDER

(i) Anticipatory Bail Application No.1089 of 2021 is allowed.

(ii) In the event of arrest of the applicant in C.R. No. 563 of 21 registered with Shrigonda Police Station, District Ahmednagar, 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 appear before the Investigating Officer on 12th, 13th and 14th October, 2021 between 11.00 a.m. to 01.00 p.m.

(iv) Application stands disposed of.

(PRAKASH D. NAIK)
JUDGE

shp/-