

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

926 ANTICIPATORY BAIL APPLICATION NO.1166 OF 2021

MANGESH MANOHAR KASHID
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. G K Muneshwar
APP for Respondents: Mr. A.S. Shinde.
Advocate for Respondent No.2 : Mr. N.S. Ghanekar & K.S. Kahalekar.

CORAM : PRAKASH D. NAIK J.

DATE : 25th NOVEMBER, 2021.

PER COURT:

1] This is an application for anticipatory bail in crime No. 842 of 2021 registered with MIDC Waluj police station, Dist. Aurangabad for the offences under sections 354 of IPC and sections 8 and 12 of the POCSO Act.

2] The FIR was registered on 12th August, 2021. The complainant/victim is a girl aged about 16 years. She is a student of 9th standard. It is alleged that on 12th August, 2021 at about 1.30 p.m. the applicant/accused visited the house of complainant. He is known to her father and brother. He told her that his friend is getting married, he desires to engage her for drawing Mehendi on his hand. She accompanied him on motorcycle. One more person was sitting on the motorcycle. They went to Saibaba chowk near CIDCO garden. The rider of the motorcycle left the place. The applicant took her to flat premises. No one was present in the premises. The accused closed the door and hugged her. He also told her that he want to sleep with her and thereby outraged her modesty. The FIR has been registered on the same day.

3] The learned counsel for the applicant submitted that the FIR is false. The complainant's brother had seen the applicant giving lift to complainant and thereafter forced the victim to lodge complaint against him. The applicant has no criminal antecedents. He is aged about 21 years. He is educated up to B.com IInd year. He is employed. Both the families are acquainted with each other. Custodial interrogation is not necessary.

4] The learned APP submitted that specific role has been attributed to the applicant. The victim is aged about 16 years. She was taken to a secluded place, where the offence has been committed by accused. The father of complainant was present when the accused induced the victim to accompany him.

5] The learned counsel for the complainant submitted that the victim is minor. The accused outraged her modesty. She was kidnapped from the lawful guardianship. Although offence is not registered under Section 363 of IPC, the applicant is involved in crime under section 363 of IPC.

6] The incident had allegedly occurred at about 1.30 p.m. Case of the victim is that she was taken to flat premises. According to her, third person was riding the motorcycle. He left the place. The version of the complainant is that she was called for the purpose of drawing Mehendi on account of marriage of applicant's friend. The complainant is allegedly aged about sixteen years. She is student. She was invited for drawing Mehendi. She was not informed the name of friend or the place where she is supposed to go for drawing Mehendi. Version appears to be doubtful. Offence under section 363 of IPC is not made out. There are no criminal antecedents against the applicants. The custodial interrogation is not necessary. On

certain conditions, the relief can be granted to the applicant. Hence, I pass the following order.

O R D E R

- i] ABA No. 1166 of 2021 is allowed.
- ii] In the event of arrest of the applicant in crime No. 842 of 2021 registered with MIDC Waluj, Police station, Dist. Aurangabad, the applicant be released on executing PR Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.
- iii] The applicant shall appear before the I.O. on 2nd, 3rd and 4th December, 2021 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called till filing of charge sheet.
- iv] The applicant shall not tamper with the evidence.
- v] The applicant shall not approach the victim. He shall not visit the vicinity of the residence of the complainant/victim.
- vi] The application stands disposed of.

[PRAKASH D. NAIK]
JUDGE

GRT/-.