

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

APPLICATION FOR CANCELLATION OF BAIL NO. 181 OF 2021

Vitthal s/o Dattatraya Gore

**...Applicant**

**Versus**

1. The State of Maharashtra

2. Akashay @ Bandu Gangadhar Gaikwad

**...Respondents**

...

Advocate for the Applicant : Mr.Sagar K. Gavhane

APP for Respondent – State : Mr. S. B. Narwade

...

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

**DATE : 23<sup>rd</sup> NOVEMBER, 2021**

**PER COURT :-**

1. The applicant has preferred this application under Section 439(2) of the Code of Criminal Procedure for cancellation of anticipatory bail granted to respondent No. 2 by order dated 29.09.2021.

2. The applicant is the first informant. First Information Report was lodged by him on 22.08.2021 vide Crime No. 258/2021 for offences punishable under Sections 354, 354-D, 504, 506 of the Indian Penal Code and Section 12 of the POCSO Act.

3. The complainant had alleged that on 21.05.2021 he received threats on his cell phone. Complaint was lodged by him before the police and non cognizable complaint was registered under Section 507 of IPC. Thereafter the complainant learnt that the person who issued threats to him is Bandu alias Akshay Ganga Gaikwad. While taking education the daughter of complainant was residing at Hostel. The accused was harassing her. While she was proceeding to college, applicant was stalking her. He caught her hands and expressed his love for her. On 04.04.2021 at about 10.15 p.m. the accused approached the complainant and enquired about his daughter. He threatened that he would kidnap her and would not allow her to marry. The complainant contacted family of accused and to prevent any trouble to victim, convinced the family of accused to execute writing by accused on 06.04.2021 the accused executed bond on stamp paper. The accused is yet threatened through messages.

4. Learned Additional Sessions Judge by order dated 29.09.2021, granted anticipatory bail to accused.

5. Learned Advocate for the applicant submitted that the

order granting anticipatory bail is contrary to law. The accused is constantly harassing the victim. Specific role was attributed to accused. The offence is serious. There is threat to the life of the complainant and his family members. Custodial interrogation of the accused is necessary. Accused has committed the offence of outraging the modesty. The accused is threatening witnesses. Two unknown persons had threatened complainant. The applicant has lodged complaint with police on 11.09.2021.

6. Learned APP supported the application. It is submitted that the charge-sheet is ready and it has been sent for approval.

7. I have perused the impugned order dated 29.09.2021. Custodial interrogation of the respondent is not necessary. The learned Sessions Judge has assigned cogent reasons for allowing application. The investigation is complete. Charge-sheet is ready for filing.

8. The incident of threat on cell phone had occurred on 21.05.2021. The victim was harassed on 19.09.2018. The accused visited house of complainant and threatened them on

04.04.2021. Bond was executed on 06.04.2021. FIR was registered on 22.08.2021.

9. I do not find any reason to interfere with the said order. Spot panchanama was drawn. Statements were recorded. Statement of informant and his daughter were recorded under Section 164 Cr.P.C. The learned Sessions Judge has observed that, interim relief was granted to respondent / accused and there is nothing to show that it was breached. The accused is a wrestler. He produced certificates about his participation in various competitions. In the light of the factual matrix the custodial interrogation of the respondent / accused is not necessary. Hence, the order :-

ORDER

Application for Cancellation of Bail No. 181 2021 is rejected and disposed of.

**( PRAKASH D. NAIK )**  
**JUDGE**

shp/-