

Sachin s/o Prabhakar Dikshit, ... **Applicant**
Age 44 years, Occu: Govt. contractor
R/o 57, Vignaharta Colony, Valwadi,
Tq. and Dist. Dhule

The State of Maharashtra, ... Respondent
Through West Deopur Police Station,
District Dhule

Mr. C.C. Deshpande, Advocate for the applicant,
Mr. A. V. Deshmukh, A.P.P. for the State.
Mr. K. F. Shingare, Advocate assists to PP.

CORAM : PRAKASH D. NAIK, J.
DATE : 21st December, 2021

1. The applicant is apprehending arrest in Crime No. 216/2021 registered with Deopur Police Station, District Dhule. The First Information Report (for short "IPC") was registered on 11.08.2021 for the offences punishable under Sections 354-B, 365, 323, 504 of the Indian Penal Code etc. Subsequently supplementary statement of the informant was recorded and Section 395 of the Indian Penal Code was added.

2. The case of the prosecution is that on 25.07.2021 Sachin Dixit came to the house of Banti Pagare where informant and her husband

were present. Sachin took them into his house by vehicle. On 26.07.2021 they were assaulted by Gayatri Jaiswal, Sanju Baisane, Banti Ghoda, Milin Choudhari, Yashwant Bagul, Bhaiya Thakur, Bhaiya Lingayat, Prashant Lingayat, Sachin Choudhari, Raju Ahire, Kaustubh Dixit. On 10.07.2021 unknown persons came to the premises where they were confined with Sachin Dixit and Yashwant Bagul. These two accused instigated these unknown persons to withdraw the complaint. They outraged modesty of the complainant by touching her inappropriately. One Kaustubh had threatened them. Thereafter Sachin Dixit took the complainant and her husband to the house of Smt. Jaiswal and thereafter to the police station. The FIR was registered. The period of alleged confinement was from 26.07.2021 to 10.08.2021.

3. On perusal of the FIR and the investigation papers it can be seen that the complainant has alleged that on 20.07.2021 by the complainant and her husband were in the house of Bunty Pagare, Sachin Dixit took them to his house in the vehicle. The manner which story narrated by the complainant itself creates doubt after the victim were assaulted in the alleged that Sachin Dixit took them to the house of Jaiswal Bhabi and then to the Police Station. Initially they were assaulted by the co-accused and on 26.07.2021 several persons assaulted them. The allegation against the applicant is vague. Injury Certificate refers to swelling and abrasion by hard and blunt object. The injuries are of simple nature and the age of injuries is within 24 hours.

4. Learned APP and learned counsel for the complainant submitted that in the FIR it is stated that the applicant took the complainant and other person to his residence. Premises was closed. Applicant alongwith other person had instigated unknown person to outrage modesty of the complainant. FIR mentions that the applicant is a person who took the complainant to the Police Station and left the place. Thereafter FIR has been registered.

5. It is difficult to believe that if the applicant was instrumental in instigating the unknown persons to outrage modesty, he would not have taken victim to the Police Station. Co-accused were assigned role of assault were granted anticipatory bail by this Court.

6. It is pertinent to note that FIR was registered on 11.08.2021. The alleged incident of assault occurred on 25.07.2021 and 26.07.2021. It is alleged that complainant and her husband were confined. It is alleged that several persons had assaulted victims repeatedly. The injury certificate is contrary to version of complainant. The certificate mentions that the injuries are within 24 years. Agreement was executed between applicant No.2 in ABA No. 1167/2021 and the son of the complainant. If the victims were assaulted repeatedly during the period referred to by complainant, there could have been more injuries as well as old injuries. The version of complainant was improvised. It is alleged that Sachin Dixit called victims and they followed him. Subsequently he took them

to house of Jaiswal and then to Police Station. Sachin Dixit is also impleaded as accused. The version does not appear to be normal.

7. Considering the factual aspects of this case, the custodial interrogation of the applicant is not necessary. Hence, I pass the following order :-

ORDER

- i. Anticipatory Bail Application No. 1341 of 2021 is allowed;
 - ii. Interim order dated 17.11.2021 is confirmed.
 - iii. In the event of arrest of the applicant in Crime No.216 of 2021 registered with Deopur Police Station, District Dhule, the applicant be released on bail on executing PR bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
 - iv. The applicant shall attend the investigating officer on 27th 28th and 29th December, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of the charge sheet. the evidence.
8. Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)

JPC