

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 978 OF 2021

Dayanand Sanjay Bhise Applicant

Versus
The State of Maharashtra Respondent

Mr. Rupesh Zade, for the applicant.
Mr. Ajay Patil, APP for the State/Respondent.

**CORAM: SARANG V. KOTWAL, J.
DATE : 6th APRIL , 2021**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 130 of 2021 dated 2/3/2021, registered at Baramati Police Station, Pune, under sections 354-A, 354-D, 504, 506 read with Section 34 of the Indian Penal Code and under Section 11(iv) read with 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard Mr. Rupesh Zade, learned counsel for the

applicant and Mr. Ajay Patil, learned APP for the State.

3. The FIR is lodged by father of two victims who were aged 17 years and 16 years. On 14/02/2021, the applicant's cousin Ganesh had posted a photograph of younger of the victims on social networking site as his Status. The informant and others called the relatives of Ganesh and the applicant. On 01/03/2021, Ganesh and the applicant were scolded by the informant's family. Thereafter, the applicant and Ganesh had approached the informant's brother-in-law. They had abused and had given threats to him. On this basis the FIR is lodged.

4. Learned Counsel for the applicant submitted that the allegations in the FIR are general in nature and no specific utterance or act is attributed to the present applicant. He submitted that the applicant had nothing to do with the victims and only because of his cousin Ganesh, he is roped in, in this offence. His custodial interrogation is not necessary.

5. Learned APP produced the investigation papers before me. He relied on statements of the victims and the FIR to oppose this application.

6. I have considered these submissions. I have perused the statements of victims recorded under section 164 of Cr.P.C. Statement of the elder of the victims shows that the co-accused Ganesh had posted her younger sister's photo on networking site Status. When this victim had questioned Ganesh, he had threatened her. She, therefore, informed her maternal uncle and then to her father. There was a meeting between the victims' family and Ganesh's family. On 28/2/2021, in the night Ganesh along-with the applicant came to the victim's house. They threatened her maternal uncle and abused him. After narrating this she has stated that Ganesh and the applicant both followed her when she went to college and used to threaten her.

7. The statement of the younger of the victims does not really make serious allegations against the present applicant. All the allegations are directed towards Ganesh. The only reference to the applicant's name is that, in the night, after the meeting, Ganesh and the applicant had approached victims' maternal uncle and had threatened and abused him. These two statements do indicate that the main role is played by the applicant's cousin Ganesh. There are general allegations that the applicant used to follow elder of the victims when she used to go to College. This allegation is not really supported by the younger victim. In this view of the matter, it appears that the main offence is committed by the applicant's cousin Ganesh. Therefore custodial interrogation of the applicant is not necessary. He can be directed to attend the Police Station for investigation purposes.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No. 130 of 2021 registered with Baramati Police Station, Pune, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)