

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

ANTICIPATORY BAIL APPLICATION NO.2221 OF 2019

Shrikant Gulab Bhadale

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr.Prasanna A. Bhangale, Advocate for Applicant.
- Ms.A.A. Takalkar, APP for the State/Respondent.
- API Raju Mahanor, Loni Kalbhor, Police Station, Pune, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 17th MARCH, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.493/2019 registered with Loni Kalbhor Police Station dated 03/07/2019, under sections 354, 354-D, 504 of the Indian Penal Code and under sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. The FIR is lodged by victim who was 19 years of age when the incident had taken place. She has narrated three

incidents dated 25/06/2019, 27/06/2019 and 02/07/2019. When the Applicant had followed her in a car and had made some indecent proposal. On 02/07/2019, when the informant and her younger sister were travelling in their four wheeler, the Applicant brought his car near their car and abused the informant. The FIR goes on to mention that the informant's younger sister told her that on 01/07/2019 at about 08.00 p.m. when she was returning home, the Applicant had held her hand and had asked her to accompany him. But her sister had refused and the matter had ended on that day. But she got scared.

3. Heard Mr.Prasanna A. Bhangale, learned counsel for the Applicant and Ms.A.A. Takalkar, learned APP for the State.
4. The Applicant was protected by interim order dated 11/10/2019. At that time it was argued that on each of these occasions, the Applicant was elsewhere and he could give sufficient proof to prove his alibi, if he is protected by interim order. At that time, he was protected and his statement was recorded by the Investigating Officer. The investigating agency

has not carried out any independent investigation to verify his claim of alibi. Therefore this question has remained unanswered for more than 1 ½ years. However, considering the long lapse of period, as the Investigating Officer is present in the Court, he was specifically asked whether any further untoward incident was reported by the first informant and her family, involving the present Applicant. To this, the Investigating Officer has categorically answered in negative. The learned APP on instructions submitted that no fresh incident or any further incident connected with the allegations in the FIR had taken place during the past two years. Therefore considering this situation, after more than 1 ½ years, custodial interrogation of the Applicant is not going to reveal anything further. Investigation can still go on without his custody and if found guilty, he can be punished at the end of the trial. In this view of the matter, anticipatory bail can be granted to him.

5. The Applicant has cooperated with the investigation as stated by the learned APP on instructions.

6. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.493/2019 registered with Loni Kalbhor Police Station, 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) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)