

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.219 OF 2022

GAUTAM ASHOK NARWADE
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicant : Mr. M. M. Parghane
APP for Respondent-State : Mr. A. M. Phule
.....

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 17-03-2022

ORDER :

1. The applicant is apprehending his arrest in connection with Crime No.6 of 2022, registered with Police Station, Hadgaon Tq. Hadgaon Dist.Nanded, for the offence punishable under Section 354, 506 of IPC.
2. Heard learned Advocate Mr. M. M. Parghane for applicant and learned APP Mr. A. M. Phule for respondent-State. In order to cut short, it is stated that both of them have made submissions in support of their respective contentions.
3. Perusal of the FIR would show that it has been lodged by a girl aged 20 who used to go to the college which is at afar distance. It appears that she used to take auto to go to the college and since she resides in a small village, the said auto driver appears to be using his auto rickshaw as a share auto. The incident had taken place on 04-

01-2022. She was knowing the auto rickshaw driver i.e. the present applicant. When she occupied the seat in the auto, there was already one male and another female passenger sitting. Those two persons got down after a distance near another village, and thereafter, only the informant girl and accused/applicant were in the auto rickshaw. The applicant stopped the auto on the bridge over river and then got down and came to the rear seat and started saying by holding her hand that he likes her and she should give kiss to him. He put his hand around her waist and pulled her towards him. At that time the informant resisted and told that she would tell everything to her father. Thereafter, the applicant left her and gave her threat to kill and he would defame her. The informant started raising hue and cry. After rescuing herself, she left her bag as well as stole in the auto rickshaw and she started running towards her village. She went near the bus stop of nearest village and gave phone call to her father. Her father came to that place and then along with her father she went to the bridge, by that time, the applicant had fled away from the spot with his auto rickshaw.

4. It is to be noted that at this stage there is nothing placed on record by the applicant to gave an indication that he would have

been falsely implicated by the girl. Under such circumstance, there appears to be some prima facie evidence against the applicant, however, taking into consideration the allegations, nothing is required to be recovered from the applicant. His custodial interrogation is not necessary. The applicant is having permanent place of abode and because of the same by imposing stringent conditions, the applicant can be released on bail. This Court had granted interim protection to the applicant on 28-02-2022 and had also imposed the condition that she shall not reside or shall not visit village Walki (Bk.) as well as Hadgaon City where the informant is residing. He was allowed to enter Hadgaon City only for giving attendance before the police as the investigation is pending. But now it has been noted from the learned APP that the presence of the applicant as a regular course or regular interval is not required. Therefore, the condition about attending the police station needs to be canceled. But till the trial would be over, the applicant shall be restrained from visiting Walki (Bk.) as well as Hadgaon City, except for attending the Court dates or to remain present before the Investigating Officer, if he calls him. With this modifications, the order granted by this Court granting the interim protection on 28-02-2022 deserves to be confirmed, accordingly it is confirmed.

Hence, following order.

ORDER

- 1) Application is hereby allowed.
- 2) The interim protection granted by this Court on 28-02-2022 to the present applicant Gautam Ashok Narwade is hereby confirmed. In other words, in the event of arrest of applicant in connection with Crime No.06 of 2022, registered with Police Station, Hadgaon Tq.Hadgaon District Nanded, for the offence punishable under Section 354, 506 of the IPC, he be released on PR of Rs.20,000/- with one surety of like amount.
- 3) Except Court dates and on the day when applicant is called by the Investigating Officer for the purpose of investigation, he shall not visit village Walki (Bk.) and Hadgaon City till the conclusion of trial.
- 4) He shall not tamper with the evidence of the prosecution in any manner and shall not indulge in any criminal activity.
- 5) Condition No.6 in the order passed dated 28-03-2022 is cancelled.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.