

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.545 OF 2022

KANISHK KEDARLING KAMBLE
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Sachin S. Deshmukh
APP for Respondent No.1 : Ms. V. S. Choudhari
Advocate for Respondent No.2 : Mr. Ravindra Nirmal
...

CORAM : S. G. MEHARE, J.

DATE : 27-07-2022

PER COURT :-

Heard the learned counsel for the applicant, the learned APP for respondent No.1 and the learned counsel for respondent No.2.

2. There are reports against the applicant and the father of the victim. In both the first information reports, the day of incident is same and the time of the incident is also nearly the same. The learned counsel for the applicant would submit that present applicant has lodged a report against the father of the victim at 00.15 hours on 20.03.2022. The offence under various sections of the Indian Penal Code and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been registered against the father of the victim. Therefore, to counter the report of the applicant, the false allegations have been levelled against the applicant. Unfortunately, the father of the victim used her as a weapon to take revenge against the applicant. He would

argue that in the two FIRs, two different spot of incidents have shown. The spot of incident in the present FIR was the field of one Laxman Jadhav. That field was at some distance from the village. The applicant was in his shop at the relevant time when there was a quarrel with the father of the victim. He had no reason to take the victim with him in a field. The presence of the parents of the victim is also vague on the spot of incident. No incident as such happened.

3. The learned APP has strongly opposed the application contending that victim is 12 years old. The alleged offence is serious. Therefore, the application of the applicant deserves to be dismissed.

4. The learned counsel for the respondent No.2/victim has vehemently argued that the father of the victim had no reason to put his daughter at stake for the quarrel. In fact, the incident happened with the victim first in time and to counter that incident, the applicant lodged a false report against the father of the victim. The offence is serious. If the applicant would be released on anticipatory bail, there may be chaos in the village. The applicant may use force. Hence, the application may be dismissed.

5. Perused the papers. It reveals that in both FIRs against the father of the victim and the applicant, date of incident is same and

the time of incident is also nearly closed. However, the applicant has lodged the report first in time. Both are showing a different spot of incidents. As per the report of present applicant, at the time of incident he was sitting in a shop, that time father of the victim met him in the shop and he abused the applicant on his caste. The time of incident was around 6.00 p.m. The applicant has lodged report first in time. However, the victim lodged the report at 5.00 p.m. It seems that there are allegations and counter allegations against each other. The prosecution has no instructions about the progress of the report lodged by the present applicant against the father of the victim. Considering the report of the applicant, it does not inspire the confidence that immediately after the overt act with the applicant, he may take the daughter of complainant to field and outrage her modesty, who is a minor child. The facts of the case raises doubt. Though the victim is 12 years old, in view of the above facts, the possibility of tutoring her cannot be ruled out. Therefore, the application deserves to be allowed. Hence, the following order -

- i) The application is allowed.
- ii) The interim protection granted to the applicant by the order dated 16.06.2022 is confirmed on the same terms and conditions of the bail bond with further condition that he shall attend the police station as and when called by the police on written notice.

(S. G. MEHARE)
JUDGE