

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

901 ANTICIPATORY BAIL APPLICATION NO.845 OF 2022

1. SUNIL ZELSING PAWARA
2. UDAY @ CHHOTU SUNIL PAWARA
3. CHHATTARSING RAMDAS RAVAT (PAWARA)
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocates for Applicants : Mr. Bhargav B. Kulkarni & Mr. Tapan
K. Sant.

APP for Respondents-State : Mr. S. B. Narwade.
Advocate for Victim-Respondent No.3 : Ms. Kalpana S.
Sonpawale (Appointed).

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CORAM : S. G. MEHARE, J.
DATE : 23.08.2022

PER COURT :-

1. Heard the learned counsel for the applicants, the learned APP for the respondent / State and the learned counsel for the victim.

2. Learned counsel for the applicants did not press the application for applicant No.1 - SUNIL ZELSING PAWARA and seeks leave to withdraw his application. Leave granted. His anticipatory bail application stands dismissed as withdrawn.

3. Learned counsel for the applicants would submit that applicant Nos.2 and 3 have no role to play. The applicants and the complainant are the residents of the same locality. They

had a civil dispute. Hence, false allegations have been levelled against them that they were taking the photographs of the daughter of the complainant. It was a concocted story. The applicants never took the photographs as alleged nor entered the house of the complainant. The complainant's family was most aggressive. The police made an inquiry, but did not register the crime. The serious allegations of outraging the modesty of a minor girl have been levelled. Therefore, the applicants had to approach the learned Magistrate under the order under Section 156(3) of the Cr.P.C. He would submit that the police have already seized the mobile handset of the other co-accused but nothing was found. Considering the allegations, the custodial interrogation of the applicants is not required. Hence, they may be released on anticipatory bail.

4. Learned APP has strongly opposed the application. He has referred to the statement of the victim under Section 164 of the Cr.P.C. and argued that there are direct allegations against the applicants that they used to take the photographs of the victim girl. Therefore, the mobile handset of the applicants is necessary to be recovered.

5. The learned counsel for the victim has argued that the applicants and the complainant are the residents of the same

locality. There is danger to the life of the complainant and her family. Therefore, the applicants may not be released on bail.

6. Perused the papers. It appears that the FIR was consisting of 2-3 dates. It is very strange that the police did not register the offences for cognizable and serious offences. Be that as it may, the record reveals that there is no specific allegations against the present applicants that they were involved in the alleged crime. The prosecution has also no evidence that the applicants posted the photographs of the victim girl to the third person. Therefore, the applicants have sent the photographs of the victim. Considering the allegations levelled against the applicants, the applicants have a good case for anticipatory bail. Hence, the following order :

ORDER

- (i) The application is partly allowed.
- (ii) In the event of arrest, applicant Nos.2. UDAY @ CHHOTU SUNIL PAWARA and 3. CHHATTARSING RAMDAS RAVAT (PAWARA), be released on bail on furnishing P.B. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand only) each with one solvent surety in the like amount each in Crime No.64 of 2022, registered with Police Station Shirpur Taluka, District Dhule for the offences punishable under Sections 354, 354(d), 452, 323, 504, 506

read with Section 34 of the IPC, Section 8, 11(1) (iv) and 12 of the Protection of Children from Sexual Offences Act and Sections 66(e), 67 and 67(b) of the Information Technology Act, on the conditions that they shall not tamper with the prosecution witnesses. They shall maintain the law and order in the locality. They shall attend the Police Station as and when called by the Police on written notice.

- (iii) Since Ms. Sonpawale, learned counsel is appointed to prosecute the cause of the victim, her fees be paid as per the schedule of fees maintained by the High Court Legal Services Authority, Sub-Committee, Aurangabad.

(S. G. MEHARE, J.)

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vmk/-