

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

ANTICIPATORY BAIL APPLICATION NO.873 OF 2022

YOGESH FULSING CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Bhosle Abhaysinh K.
APP for Respondent/State : Ms. V.S. Choudhari
Advocate for Respondent No.2 : Mr. Suresh Rodge

...

CORAM : S.G. MEHARE, J.

DATED : 11th AUGUST, 2022

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the victim/respondent no.2.
2. The allegations against the applicant is that he was living in the village where the victim resides. At the time of alleged incident, she was 13 years old. The applicant was saying to her that he like her and wanted to marry her. On 01.05.2022, when the victim was in her field alone, the applicant caught hold her hand and said that he liked her too much and she should marry him. If she would not marry him, he would not allow her to marry with anybody. The said incident was settled. The father of the applicant slapped the applicant and since then he was residing in Aurangabad and doing a job in a hotel. Then the uncle of the victim went to Aurangabad, that

time, the applicant asked him that he wanted to marry the victim, he loves her and he will not allow her to marry somewhere else.

3. Learned counsel for the applicant would submit that since the day he came to Aurangabad, he never contacted anybody. However, the family of the complainant was not happy with the settlement, therefore, a false report has been lodged. He never contacted the victim or her family members. The applicant has decided to reside at Aurangabad and not to go to the village to avoid the false allegations in future. Nothing is to be recovered from the applicant.

4. Learned APP has strongly opposed the application contending that the victim was 13 years old. The applicant harassed and molested her. Therefore, he has no case for anticipatory bail.

5. Learned counsel for the victim has also opposed the application contending that the applicant time and again harassing the victim and unnecessarily threatening her. There may not be change in his behaviour. Therefore, the bail may not be granted.

6. It appears from the FIR that the allegations were made that on 01.05.2022, the applicant had caught hold the hand of the victim saying her that he loves her and wanted to marry her. Therefore, the father of the applicant send him to Aurangabad. It seems that they have settled the earlier dispute. Considering the facts, this Court is of the view that the prosecution has no case for

custodial interrogation. However, some stringent conditions may be imposed to protect the interest of the victim. Hence, the following order :

ORDER

(A) The Application is allowed.

(B) In the event of arrest, the applicant, Yogesh Fulsingh Chavan, be released on bail on executing P.B. and S.B. of Rs.15,000/- (Fifteen Thousand) with one solvent surety in the like amount in Crime No.135 of 2022 registered with Sillod Rural Police Station, District Aurangabad for the offence punishable under Sections 354, 354-A (1)(i), 506 of the Indian Penal Code and Section 8, 12 of the Protection of Children From Sexual Offences Act, 2012, on the condition that he shall attend the police station as and when called by the Investigating Officer on written notice and shall not tamper with the prosecution witnesses.

(C) The applicant shall not contact the victim or her relatives in any way and shall not enter the village of the victim till the conclusion of the trial.

(S.G. MEHARE, J.)