

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.939 OF 2022

KALYAN PANDURANG LOHAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Siddharth B. Paikrao
APP for Respondent : Mr. S. B. Narawade
...

CORAM : S. G. MEHARE, J.

DATE : 05-08-2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent/State.
2. The incident allegedly happened on 20.04.2022 at around 11.30 a.m. in the house of the victim. However, she lodged report on 23.04.2022. It has been alleged against the applicant that he was following the victim. The victim was trying to convince the applicant, however, he started touching her body. He pulled her saree and started doing indecent acts. Therefore, she screamed. However, the applicant threatened her to kill and ran away. The applicant has a case that he has a grocery shop. The complainant had purchased the grocery from him on credit. She did not pay the money; therefore, he was demanding her money. No incident as such happened. However, to avoid the payment of grocery articles, a false story has been cooked. There is an inordinate

delay in lodging the FIR.

3. The learned APP has pointed out that the statements of husband and mother-in-law of the victim have been recorded. The offence is serious. He has also referred to her statement under Section 164 of the Code of Criminal Procedure.

4. Perused the papers and the application. It appears that on the very same day of the incident the victim had disclosed the incident to her husband. However, no report has been lodged against the applicant. The prosecution did not deny that the applicant has a grocery shop. There are no statements of neighbours hearing the screaming of the complainant. Considering the material available on record, the defence of the applicant appears probable. Hence, the application deserves to be allowed. Therefore, the following order :-

- i) The application is allowed.
- ii) In the event of arrest, applicant Kalyan Pandurang Lohar be released on bail, on furnishing PB and SB of Rs.15,000/- with one solvent surety of like amount, in C.R. No. 93 of 2022 registered with Shiradhon Police Station, Kallam, District Osmanabad, for the offence punishable under Sections 354, 354D, 452, 506 of the Indian Penal Code.

**(S. G. MEHARE)
JUDGE**