

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

BAIL APPLICATION NO. 1300 OF 2022

Kshitij Arun Abnave

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Ms. S.G. Sonawane, Advocate for applicant

Mr. S.P. Sonpawale, A.P.P. for respondent no.1 – State

Mr. S.R. Andhale, Advocate for respondent no.2

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CORAM : R.G. AVACHAT, J.

DATE : 13th SEPTEMBER, 2022

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 585 of 2022 registered with Kotwali Police Station, Dist. Ahmednagar for the offences punishable under Sections 354, 354-D, 323, 324, 504 and 506 read with Section 34 of the Indian Penal Code and under Sections 11 and 12 of the Protection of Children from Sexual Offences Act.

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. The F.I.R. has been lodged by the victim herself on 27th July, 2022. It is her case that she is seventeen years of age and student of twelfth

standard. The applicant resides opposite her house at Nilprabha Housing Society, Ahmednagar. One Gaurav Kapare (co-accused), friend of the applicant, would stalk the informant to and fro her college way. He even once insisted her to befriend him. Prem and Tushar are also the friends of the applicant. On the given day i.e. on 26th July, 2022 by 09.30 p.m. they had come to house of the applicant to fetch the tiffin. They asked the informant to make a phone call to Gaurav. She asked them to wait. The applicant suddenly came out of his house with a wooden rod. His wife had also accompanied him. He questioned the informant what did she talk with Prem and Tushar. The applicant abused the informant. He caught hold of her hand with a view to outrage her modesty. He even assaulted her with wooden rod.

4. Learned counsel for the applicant would submit that a false F.I.R. has been lodged. The applicant has been behind the bars for little over one and half month. She assures the Court that the applicant would not enter the vicinity of informant's residence. She, therefore, urged for grant of the application.

5. Learned A.P.P. and learned counsel for the informant would, on the other hand, submit that investigation is underway. If the applicant is granted bail, he would harass the informant and her family members. They, therefore, urged for rejection of the application.

6. Considered the submissions advanced. Considering the nature of offence as has been alleged in the F.I.R. referred to hereinabove and the fact that the applicant is behind the bars for little over one and half month, the Court is inclined to grant the applicant bail.

7. In view of above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released on bail, in connection with Crime No. 585 of 2022 registered with Kotwali Police Station, Dist. Ahmednagar for the offences punishable under Sections 354, 354-D, 323, 324, 504 and 506 read with Section 34 of the Indian Penal Code and under Sections 11 and 12 of the Protection of Children from Sexual Offences Act, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(III) The applicant shall not enter the vicinity of residence of the informant for next twelve months.

(IV) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)