

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1577 OF 2021

AKASH ARUN SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. D. R. Gavad
APP for Respondent No.1-State : Mr. N. T. Bhagat
Advocate for Respondent No.2 : Mr. C. V. Bodkhe (Appointed)

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CORAM : SMT.VIBHA KANKANWADI, J.

**Date of Reserving The Order :
17-02-2022**

**Date of Pronouncing The Order :
21-03-2022**

ORDER :

1. The applicant is apprehending his arrest in connection with Crime No.741 of 2021, registered with CIDCO Police Station, Aurangabad, for the offence punishable under Section 354-D of the IPC and Section 12 of the POCSO Act, 2012.
2. Heard learned Advocate Mr. D. R. Gavad for applicant, learned APP Mr. N. T. Bhagat for respondent No.1-State, and learned appointed Advocate Mr. C. V. Bodkhe for respondent No.2. In order to cut short, it is stated that all of them have made submissions in

support of their respective contentions.

3. Perusal of the FIR shows that the informant is a 16 year old girl taking education in 11th Standard. She states that since about a year, the applicant was following her and he was insisting that she should talk to him. The girl was not willing to talk to the applicant, but he was insisting. She had not lodged report earlier but when again on 22-11-2021 at about 11.00 to 11.30 a.m. when the informant girl was going along with her friend for her 10th Class, the applicant followed her and told her that he want to talk to her. When she told that she has no intention to talk with him and why he is following her, then she reported the said fact to the authority in the class. Thereafter, the applicant was driven out of the class.

4. The police papers would show that the statements of witnesses have been recorded. Important statements are of the persons form the class. They have stated that the present applicant had made inquiry about the girl and he was driven out of the class when it was disclosed by the girl that the applicant is stalking. Thus, it appears that the substantial part of the investigation appears to have been over. Statement of the informant has also been recorded under Section 164 of Cr.P.C. It will not be out of place to mention here

that this Court had granted interim protection to the applicant on 23-12-2021, and in pursuant to the same, he had remained present before the Investigating Officer and offered surety, accordingly after his arrest, he has provided the surety. In view of the same, the physical custody of the applicant appears to be not required further for the purpose of investigation. The application deserves to be allowed, however, with stringent conditions. Hence, following order.

ORDER

- 1) Application stands allowed.
- 2) The interim protection granted by this Court on 23-12-2021 to the present applicant Akash Arun Suryawanshi is hereby confirmed. In other words, in the event of arrest of applicant in connection with Crime No.741 of 2021, registered with CIDCO Police Station, Aurangabad District Aurangabad, for the offence punishable under Section 354-D of the IPC and Section 12 of the POCSO Act, he be released on PR of Rs.20,000/- with one or more sureties of like amount.
- 3) He shall not tamper with the evidence of the prosecution in any manner and shall co-operate with the investigation.
- 4) He shall remain present before the Investigating Officer on every Wednesday in between 10.00 a.m to

01.00 p.m.

5) He shall not visit CIDCO N-7 C-1/11 behind Hotel Anguri, Aurangabad. So also, he shall not try to contact the informant or any other witnesses.

6) It is clarified that breach of any of the conditions would give liberty to the prosecution to file application under Section 439 (2) of Cr.P.C.

7) Fees of the appointed advocate is quantified at Rs.5000/- (in words rupees five thousand only), to be paid by High Court Legal Services Sub-Committee, Aurangabad.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.