

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1036 OF 2021

Satpal Ramchandra Parge

... Applicant

Vs.

The State of Maharashtra & Anr.

... Respondents

Mr.Sujay Hemant Gangal for the Applicant.

Mr.Y.Y. Dabke, APP for the Respondent –State.

Mr.Bharat Gadhavi i/b Tejas Dande and Associate for
Respondent No.2.

Mr.J.R. Jadhav, API, Wanwadi Police Station, Pune.

CORAM : C.V. BHADANG, J.

**DATE : 14 JANUARY 2022
(Through Video Conferencing)**

P.C.

. By this Application, the Applicant is seeking pre arrest bail in connection with the investigation of Crime No.87 of 2021 of Wanwadi Police Station, Pune under Section 354, 354A, 323 and 504 of the Indian Penal Code and Section 8 and 12 of the Protection of Children From Sexual Offences Act 2012.

2. The aforesaid offence is registered on the basis of the complaint lodged by the mother of the victim. The victim at the relevant time is stated to be 11 years of the age, her date of birth being 12 January 2010. According to the first informant, on 27 February 2021 at about 9.00 p.m. she along with her daughter-

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victim were returning to their home from Samvidhan Chowk by Shivarkar Road. It is alleged that the Applicant intercepted them at Jagtap Chowk, Wanwadi, Pune and had abused and assaulted the first informant. It is the material allegation that the Applicant pulled the victim near him and had touched her chest, inappropriately, moved his hand from her back and touched her private part.

4. On the basis of such a complaint the offence came to be registered which is under investigation.

5. It appears that the supplementary statement of the first informant was recorded on 5 March 2021 in which she stated that the incident had happened at Sant Mother Terrecia Square on Shivarkar Road.

6. The learned counsel for the Applicant points out that previously the first informant (the mother of the victim in this case) had lodged a complaint alleging her sexual abuse by the Applicant in which the Investigating Officer upon investigation had filed a B-Summary report and the matter was closed. In short, according to the learned counsel for the Applicant, the first informant with the aid of the victim is trying to falsely implicate the applicant in various cases.

7. The learned counsel for the complainant-intervenor submitted that the Applicant is harassing the first informant and the victim and if the anticipatory bail is granted the Applicant may interfere with the investigation and he has also expressed apprehension of a danger to the life/and limits of the first informant and the victim.

8. The learned Additional Public Prosecutor submitted that in the investigation the statement of the victim is to be recorded under Section 164 of Cr.P.C. and rest of the investigation is completed.

9. The record discloses that the Applicant has been granted interim protection by order dated 9 April 2021 subject to condition of attendance and it is not disputed that the Applicant has co-operated in the investigation.

10. In such circumstances the following order is passed.

11. In order to obviate the apprehension expressed on behalf of the first informant, appropriate conditions can be imposed.

ORDER

(i) The Criminal Application is allowed in terms of the order dated 9 April 2021 which is made absolute.

(ii) The Applicant is directed to attend the concerned Police Station once in two weeks until further orders.

(iii) The applicant shall not make any attempt to directly or indirectly contact/influence or threaten or pressurize the complainant or otherwise tamper with the prosecution evidence/witnesses.

(iv) In the event of breach of any of the conditions the bail is liable to be cancelled.

C.V. BHADANG, J.