

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**Criminal Appeal No.76 of 2020**

Mr Anil @ Gotu s/o Dadarao Mahalle,

**Versus**

State of Maharashtra, through P.S.O., Police Station Murtizapur (City), Dist. Akola  
and another.

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

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Shri R.R. Vyas Advocate for appellant.

Shri S.D. Sirpurkar, A.P.P. for respondent no.1/State

**CORAM : ANIL S. KILOR, J.**

**DATED : 02 MARCH 2022**

On a complaint against the appellant that he entered in the house of the complainant and tried to outrage her modesty, Crime No.335 of 2019 was registered for the offences punishable under Sections 354, 504 and 452 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. On rejection of anticipatory bail by the learned Judge Special Court, Akola, vide order dated 18/01/2020 passed in Misc. Criminal Application No.931/2019, the present appeal came to be filed challenging the said order.

3. Shri Vyas, learned Counsel for the appellant points out that during investigation, the Investigating Officer has revealed that both the appellant and the complainant are residents of same village.

4. It is further revealed that on a complaint of the appellant, the offence was registered against the husband of the complainant namely Kishor Jagannath Pandit, vide Crime No.12/2010 for the offences punishable under Sections 452, 324, 325, 504, 506 read with Section 34 of the Indian Penal Code. In the said matter, all the three accused persons were sentenced to suffer imprisonment of three years.

5. It is further revealed that during the investigation no incident had taken place as alleged in the present matter.

6. It is, therefore, submitted that the present First Information Report is a counterblast of the complaint lodged by the appellant against the husband of the complainant. It is submitted that, to falsely implicate the appellant in the alleged offence, the First Information Report was lodged.

7. On perusal of the case diary, no *prima facie* incriminating material is found against the appellant.

8. In that view of the matter, I am of the opinion that the interim protection granted to the appellant vide order dated 28/02/2020 needs to be confirmed by allowing the present appeal.

9. Accordingly, I passed the following order:

i) The Appeal is allowed.

ii) The order dated 18/01/2020 is hereby set aside.  
The order dated 28/02/2020 granting *ad-interim* anticipatory bail is confirmed.

iii) The appellant shall attend police station as and when his presence is required.

The Criminal Appeal stands **disposed** of accordingly.

**[ANIL S. KILOR, J.]**

R.S.Sahare