

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

CRIMINAL APPLICATION (ABA) NO.247 OF 2022

Ravi Damodar Shinde

Versus

State of Maharashtra, through P.S.O., P.S. Washim and another

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

Court's or Judge's Order

Shri Mir Nagman Ali, Advocate for the applicant.

Shri S.A. Ashirgade, A.P.P. for the non-applicant No.1/State.

Shri V.B. Gawali, Advocate for the non-applicant No.2.

CORAM : ANIL S. KILOR, J.

DATED : 22/04/2022

1. The applicant is seeking pre-arrest bail in Crime No.196 of 2022, dated 11.03.2022, registered with Police Station Washim, District Washim, for the offences punishable under Sections 354 and 354-A read with Section 34 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. The offence was registered against two accused persons including the applicant.

2. In the First Information Report (FIR), the allegations are that the victim met with an accident and thereupon, she had got injured. It is alleged that the accused persons came in car and they offered help to the victim and also shown willingness to take her to Hospital in their car, which she refused. It is further alleged that the accused persons misbehaved with her and later on the present applicant took her on her motorcycle to drop her at home.

3. Shri Mir Nagman Ali, learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence. It is submitted that except the general allegation that the accused persons misbehaved with her, nothing has been stated giving details.

4. Shri Ashirgade, learned APP points out statement of father recorded by the Investigating Agency during the investigation and submits that there are prior incidences about some misbehavior by the accused No.1-GajananWanjare with the victim. He therefore, submits that in the said backdrop, there is *prima facie* case against the accused persons including the applicant. He therefore, prays for rejection of the present application.

5. Shri Gawali, learned counsel for the non-applicant No.2 submits that on 19.03.2022, one NC Report was registered on a complaint of father of the victim. In the said complaint, it was stated that three unknown persons came on motorcycle and they threatened the father of the victim of dire consequences, if the complaint is not withdrawn. He therefore, submits that there is a threat to the life of the victim as well as her family. Accordingly, he prays for rejection of the present application.

6. I have perused the Case Diary and also the contents of the FIR.

7. *Prima facie*, it appears from the FIR that the victim has alleged that the accused persons misbehaved with her on a public road and in the next breath she has stated that the present applicant took the victim on her motorcycle to drop her at her house, as she had got injured in the accident.

8. Whereas, if the statement of father is considered, he narrates some different story. Thus, *prima facie* it creates some doubt towards the veracity of the allegations made in the FIR against the present applicant.

9. In the above referred backdrop, as there is no *prima facie* incriminating material available on record against the present applicant, I am of the opinion that the applicant is entitled for grant of pre-arrest bail. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that in the event of arrest of the applicant in Crime No.196 of 2022, dated 11.03.2022, registered with Police Station Washim, District: Washim, for the offences punishable under Sections 354 and 354-A read with Section 34 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, the applicant shall be released on bail on furnishing P.R. Bond

of Rs.15,000/- with one solvent surety in the like amount.

- c) The applicant shall attend the concerned Police Station on 28, 29 and 30th April, 2022 between 10.00 a.m. to 12.00 noon and thereafter, as and when his presence is required.
- d) The applicant shall not tamper with the prosecution witnesses.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]