

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

CRIMINAL APPLICATION (ABA) NO.357 OF 2022

Shri Gautam S/o Anirudh Lonare

Versus

State of Maharashtra, through P.S.O., P.S. Andhalgaon, Dist. Bhandara 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 M.V. Acharya, Advocate for the applicant.

Ms Shamsi Haider, A.P.P. for the non-applicant No.1/State.

Ms Sneha S. Dhote, Advocate for the non-applicant No.2
(Appointed).

CORAM : ANIL S. KILOR, J.

DATED : 10/06/2022

1. The applicant is seeking pre-arrest bail in Crime No.58 of 2022, dated 21.04.2022, registered with Police Station Andhalgaon, District Bhandara, for the offences punishable under Sections 452, 354, 354-A, 354-D, 323, 504 and 506 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act (hereinafter referred to as "POCSO Act").

2. Shri Acharya, learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence. It is submitted that from the allegations made in the First Information Report (FIR), it can be seen that the complaint is false and the story narrated in the complaint is improbable.

3. The learned counsel for the applicant submits that the custodial interrogation is not necessary and accordingly, he prays for grant of pre-arrest bail.

4. Ms Shamsi Haider, learned APP opposes the application and submits that looking to the allegations in the FIR, the same may be rejected.

5. Ms Sneha S. Dhote, learned counsel for the non-applicant No.2/Victim reiterates the submission of the learned APP.

6. I have perused the Case Diary and also the contents of the First Information Report (FIR).

7. From the Case Diary, it can be revealed that there is no independent witness who has seen the applicant nearby the house of the victim or coming out of the house of the victim. *Prima facie* there is no incriminating material available on record except the allegations made in the FIR. In that view of the matter, I am of the opinion that the custodial interrogation is not necessary in this case.

8. There is nothing to show that there is any possibility that the applicant would pressurize the prosecution witnesses or tamper with the prosecution evidence or he will not be available for the trial. Moreover,

there is no criminal antecedent to the discredit of the applicant. In that view of the matter, 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.58 of 2022, dated 21.04.2022, registered with Police Station Andhalagaon, District Bhandara, for the offences punishable under Sections 452, 354, 354-A, 354-D, 323, 504 and 506 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, the applicant shall be released on bail on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station on 27, 28, 29 and 30th of June, 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.

- e) The applicant shall not leave the jurisdiction of the concerned Police station without permission of the Court.

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

[ANIL S. KILOR, J.]