

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

Application No. 883 of 2021

Ashutosh Anil Joshi

Versus

State of Maharashtra, through Police Station Officer, Awdhootwadi Police
Station, Tahsil and District Yavatmal.

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

Court's or Judge's Order

Shri Rohan Deo, Advocate for the applicant.

Shri M.J.Khan, APP for the non-applicant.

CORAM : ANIL S. KILOR, J.

DATED : 7th MARCH, 2022.

On the allegations that the informant lady while taking a morning walk at 7 am on 20th November, 2021, the applicant came there on his motor-cycle and outraged her modesty, a Crime No.1056 of 2021 registered against the applicant for the offence punishable under sections 354 and 294 of the Indian Penal Code. The applicant seeking pre-arrest bail in the said crime.

2. This Court on 22nd December, 2021 granted ad-interim bail in favour of the applicant and he was directed to attend the police station between 12 noon to 2.00 p.m. It is stated that the applicant has

attended the police station as directed by this Court. There is no complaint of misuse of liberty granted to the applicant.

3. Shri Deo, learned counsel for the applicant submits that there is enmity between the applicant and the complainant as they are neighbour. It is pointed out that the alleged incident according to the prosecution had taken place at 7 am in the morning on 20th November, 2021, whereas, the complaint was lodged on 20th November, 2021 at 14.49 pm and there is no explanation for the delay.

4. Shri Deo, learned counsel for the applicant has drawn attention to the non-cognizable report filed by the wife of the applicant on the same day at 7.15 am alleging that the complainant in this case abused the wife of the applicant in filthy language and threatened. He therefore, submits that to falsely implicate the applicant, the First Information Report was lodged by the complainant.

5. On the other hand, Shri Khan, Additional Public Prosecutor strongly opposed the application and submits that during the investigation, the Investigation Officer recorded the statement of the witnesses. In that view of the matter, sufficient material has been collected

by the Investigating Officer, he prays for rejection of the present application.

6. On perusal of the case diary and contents of the First Information Report, it appears that there is enmity between the applicant and the complainant and there was also one report lodged by the wife of the applicant on the same day at 7.15 am against the complainant, it was registered as non-cognizable.

7. In the above said back drop and in view of the fact that *prima facie* there is no material to show the involvement of the applicant in the alleged offence, I am of the opinion that the applicant is entitled for grant of pre-arrest bail.

8. Accordingly, the application is allowed.

9. Order dated 22nd December, 2021 is confirmed with modification that applicant shall attend the concern police station as and when his presence is required.

[ANIL S. KILOR, J.]

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