

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 471 OF 2023

Ashok s/o Karbhari Devkate

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. S. G. Kawade, Advocate for the applicant.

Mr. S. P. Sonpawale, APP for the State.

Mr. M. P. Kale, Advocate for respondent No. 2.

CORAM : R. M. JOSHI, J.

DATE : 14th JUNE, 2023.

PER COURT :

1. Applicant is apprehending arrest in connection with Crime no. 040/2023 registered with Sonpeth Police Station, Dist. Parbhani for the offences punishable under Section 354 read with Section 34 of the Indian Penal Code and Section 12 of the Prevention of Children from Sexual Offences Act.

2. Vitim aged about 14 years lodged report against the sons of her real maternal uncle stating that on 27th February, 2023, applicant caught hold her hand and pulled her towards a vehicle. On

the basis of these allegations, offence came to be registered against the present applicant and co-accused.

3. Learned counsel for the applicant has drawn attention of this Court to the contents of the First Information Report which indicate that there are disputes between the parents of the victim. According to him, on 3rd February, 2023 as well as on 12th February, 2023, offence has been registered against the father of the victim. It is therefore contended that the possibility of present offence being registered against the applicant in order to counter the said First Information Report cannot be ruled out. It is further stated that being relatives of mother of the victim, they are supporting her and hence they are falsely implicated in this case.

4. Learned APP as well as learned counsel for the victim submit that the victim has categorically stated about the applicant herein having caught hold her hand with bad intention. Thus according to him, the said statement is sufficient to show that there was an attempt to outrage modesty of the victim and hence provisions of Protection of Children from Sexual Offences Act are rightly invoked.

5. Perusal of statement of victim indicates that the present applicant had caught hold her hand and had pulled her towards a vehicle. Though she states that the intention of the applicant was ill, however, she does not state as to what act was done by the applicant after or before catching hold of her hand. This becomes very relevant in view of the facts that there are disputes between the parents of the victim and that the mother of the victim is staying at her parental home and the victim is staying with her father along with the fact that the mother of the victim had lodged two First Information Reports against the father of the victim and that the present applicant is close relative of victim from her maternal side. Thus, possibility of false implication cannot be completely ruled out.

6. Having regard to the facts and circumstances of the case and nature of offence, it would be sufficient for the applicant to call upon him to attend the police station and cooperate in the investigation. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge