

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.637 OF 2023

SHAILESH ASHOK KHARAT AND OTHERS
VERSUS
THE SUPERINTENDENT OF POLICE, JALNA AND ANOTHER

Mr. V. S. Wakale, Advocate for the applicants
Mr. N. B. Patil, APP for the respondent/State
Mr. Mohammed Aamir, Advocate h/f Mr. S. S. Shaikh, Advocate for
respondent No.3.

CORAM : R. M. JOSHI, J.

DATE : 30th NOVEMBER , 2023

P.C. :-

1. Heard.
2. Applicants apprehend arrest in connection with Crime No. 137 of 2023 registered with Gondi Police Station, District Jalna for the offences punishable under Sections 354-A, 354-D r/w 34 of IPC and Sections 8 and 12 of POCSO Act.
3. First informant is the uncle of the victim girls. He claims that on 03/04/2023 he was informed by the victim about their modesty being outraged by applicants and co-accused in a running bus between Gevrai to Shahgad. It is also claims that previously also in similar way they were harassed by the applicants.

4. Learned counsel for the applicants submits that charge-sheet has been filed after completion of investigation and the statement recorded of the victims before the Magistrate under Section 164 of Cr.P.C. is inconsistent with the statement of the informant. It is submitted that in fact the one of the accused who was beaten by the relation of informant has lodged independent report. To support his submission he placed reliance on a photographs and the report lodged by the co-accused bearing FIR No. 138 of 2023 registered with the same police station.

5. Learned counsel for the informant submits that the victim girls are harassed by the applicants and co-accused frequently. According to him there is no inconsistency in the statements of the victims and informant.

6. Learned APP opposed the application by relying upon the evidence collected during the course of investigation.

7. First informant is the uncle of the victim girls. He claims that the incident in question has occurred in the running bus. The said information is given on the basis of the narration of the victims. Similarly victims in their statements recorded by Police under Section 161 of Cr.P.C. stated accordingly. However, their statements recorded before the learned Magistrate under Section 164 of Cr.P.C. gives all together different version of the incident. Not only the nature of allegation is

varied but also the place of the incident is changed. This creates doubt about the genuineness of the allegations. In any case now charge-sheet has been filed. The liberty of the applicants was protected by order dated 26th April, 2023. There is nothing on record to show that the liberty is abused by them. Hence, application is allowed in terms on interim order dated 26th April, 2023.

(R. M. JOSHI, J.)

ssp