

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 814 OF 2023

Samadhan Santosh Jadhav @ Patil

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. R. N. Chavan, Advocate for the applicant.

Mr. V. S. Badakh, APP for the State.

Mr. Kiran Rathod, Advocate (appointed) for respondent No. 2.

CORAM : R. M. JOSHI, J.

DATE : 6th NOVEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 0113/2023 registered with Dharangaon Police Station, Tq. Dharangaon, Dist. Jalgaon, for the offences punishable under Sections 354, 354D, 323, 504 of Indian Penal Code and under Section 12 of Protection of Children from Sexual Offences Act.

2. First informant reported to the police about incident occurred on 15th April, 2023, at 6.15 pm, alleging that the present applicant was following her and caught hold her hand. It is alleged that he assaulted her with fists and kicks blows and she was dragged to his house. It is also alleged that his mother also assaulted and

abused her. It is claimed that her relatives heard said quarrel and intervened.

3. Learned counsel for applicant submits that though the incident has allegedly occurred on 15th April, 2023, report is lodged on 19th April, 2023 without any satisfactory explanation for delay. It is his submission that on 17th April, 2023 itself, applicant lodged complaint against the informant and her family members about causing harassment to him for payment of money. He further claimed that he has already paid sum of Rs. 70,000/- to them. He also submits about transaction from phonepay account of the applicant.

4. Learned APP and learned counsel for the informant/victim submit that there is no substance in the contention of applicant that he had paid any amount to the informant or her family members. It is submitted that the offence alleged are punishable under Protection of Children from Sexual Offences Act and considering seriousness of crime, application be rejected.

5. Admittedly, investigation into the crime is over with filing of the charge-sheet on 15th June, 2023. Liberty of the applicant was protected by order dated 15th May, 2023. Though it is sought to be canvassed on behalf of the informant and prosecution that the transaction of Rs.500/- is not with the informant. At this stage, this Court cannot go into the correctness of the said allegation. Suffice it to say that there was some transaction with the relatives of the informant and there is complaint prior in time on 17th April, 2023 i.e. before lodging of the report in question. Admittedly, there is unexplained delay in lodging First Information Report, which is sufficient at this stage to create doubt about its genuineness owing to fact of the case. Nothing is to be recovered from the applicant. Hence, his custody is not necessary.

6. In view of these facts, application is allowed in terms of the interim order. Fees of the appointed counsel is quantified at Rs.6,000/-.

(R. M. JOSHI)
Judge