

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 867 OF 2023

Balasaheb @ Balu Karbhari Take ... Applicant

Versus

The Superintendent of Police & Anr. ... Respondents

...

Mr. R. R. Karpe – Advocate for applicant

Mr. V. S. Badakh – APP for respondent/State

....

CORAM : R. M. JOSHI, J.

DATE : 04th JULY, 2023

PER COURT :

1. This application is moved by the applicant seeking anticipatory bail in connection with Crime No.0224 of 2023 registered with Shrirampur Taluka Police Station, Tal. Shrirampur, Dist. Ahmednagar, for the offences punishable under Sections 354, 323, 504, 506 of the Indian Penal Code, Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO) and Section 3(1)(w)(i), 3(2), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard both the sides.

3. Perusal of the FIR shows that there is no allegation against the present applicant about catching hold of the hand of the

informant or abusing her father over the caste. As far as this applicant is concerned, the allegation is in respect of beating with fist blows. The injury certificate also shows that history was given of assault with fists. The said use of assault with fists is absent in the FIR. There is no specific allegation against the present applicant. Apart from this, perusal of the N.C. complaint lodged by the father of the victim shows that no incident was reported to the police as alleged by the informant in respect of the assault at the hands of applicant at 06:30 p.m. on 04.05.2023. In view of this, the appeal is allowed in terms of interim relief granted by this Court vide order dated 13th June, 2023.

[R. M. JOSHI]
JUDGE

GGP