

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

**ANTICIPATORY BAIL APPLICATION NO.1025 OF 2023
WITH APPLN/3282/2023 IN ABA/1025/2023**

**BHAGWAN S/O SAYAS TANDALE
VERSUS
THE STATE OF MAHARASHTRA**

Mr. V. V. Bhavthankar, Advocate for the applicant
Mrs. G. L. Deshpande, APP for the respondent/State
Mr. P. G. Tambade, Advocate for the informant

CORAM : R. M. JOSHI, J.

DATE : 11th SEPTEMBER, 2023

P.C. :-

1. Here is the case wherein a person barges into the house of the informant lady and outrage her modesty.
2. Applicant apprehends arrest in Crime No. 66/2023 registered with Pimpaldari Police Station, Tal. Tangakhed, Dist. Parbhani for the offences punishable under Sections 354, 354B, 452, 506 of IPC.
3. Applicant gave information to the concerned police station about the incident occurred on 14/05/2023. It is her contention that she was alone at the house and applicant entered the house and committed outrageous acts as specifically stated in the first information report. When she raised cries he threatened her.

4. Learned counsel for the applicant states that there is delay in lodging of the FIR as the incident on question has allegedly occurred at 9.30 am whereas the report is lodged at 4.30 pm. Thus, it is his contention that this is the case of false implication.

5. Learned APP and learned counsel for the informant submitted that there is absolutely no reason for false implication of the applicant in this crime. There would be no justification to consider the statement of the informant to be false. It is submitted that having regard to the serious nature of crime and has repercussions on the society at large and hence this is not the case for grant of anticipatory bail.

6. Though this is not the case wherein any recovery has to be done at the instance of present applicant, however, at the same time on that sole count this Court cannot grant bail in ignorance of nature and seriousness of crime. There is absolutely no material on record to indicate any dispute between the parties to consider possibility of false or over implication of the applicant. As far as report of the incident is concerned, the first information report sufficiently explained the reason for which the report is lodged at around 4.30 pm. Having regard to the facts of the case this Court is of considered view that it is not the case wherein there is any inordinate delay in lodging the FIR.

7. A vague submission is sought to be made by the learned counsel for the applicant that on account of casting vote to the Sarpanch, present report has been lodged. This Court finds no substance in the same for want of any corroborating material. Bold statement made by accused without any sort of supporting material, would not be sufficient to hold him not involved in the crime.

8. In any civilized society, it is absolutely unacceptable that someone enters into the house after finding woman alone and commits disgraceful acts and outrage her modesty. Such perverse act can not be tolerated in any circumstances. In such circumstances, even if it is not the case involving recovery of anything from the applicant, this Court is not inclined to grant anticipatory bail. Hence application is rejected. Pending applications, if any, stands disposed of.

(R. M. JOSHI, J.)

ssp