

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

BAIL APPLICATION NO.1214 OF 2023

PRASHANT @ PAPPU DADASAHEB GORE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. S.S. Jadhav
APP for Respondent No.1: Mr. K. S. Patil
Advocate for respondent No.2 : Mr. Parth S. Salunke

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CORAM : S. G. MEHARE, J.

DATE : 01.08.2023

PER COURT :

1. Heard the learned counsel for the applicant, learned A.P.P for respondent No.1 and the learned counsel for respondent No.2/Victim.
2. The applicant is seeking bail in Crime No. 720 of 2022 registered with Police Station Shrirampur City, Taluka Shrirampur, District Ahmednagar, for the offences punishable under Section 376(2) (J)(N) and 313 of the Indian Penal Code and under Sections 3,4,5 (J) (2), 6 of POCSO Act.
3. This is an example of misuse of the powers by the police. The victim, who is now 19 years old, has sworn in an affidavit, which has been made a part of the record as Annexure 'A,' that the police

forced her to lodge the report against the present applicant. She has also alleged that she was made to sit in the police station without food for long hours, and she was kept in the darkroom of Civil Hospital Ahmednagar for three days only to harass her. Police also took her mobile handset.

4. She had been shown as a victim of the sexual assault, but her affidavit reveals that she was the victim of the police. She has sworn in an affidavit with complete understanding. Her counsel stated that she still has apprehension of harassment at the hands of the police Station, Shrirampur City. Now she works at Narayangaon under a contract as a dancer at one musical party. Since she was forced to make serious allegations against the applicant, the possibility of implicating her in false crimes by the police cannot be ruled out. She prayed for protection from the police.

5. Since the report is not willingly lodged against the applicant and it was forceful, the Court is of the view that further discussion would be unnecessary. It seems that the applicant was facing many crimes; the police perhaps wanted to control the crime, but such a practice to force someone to lodge a false report against innocents is not a way to control the crime. The police cannot take the law into their hands and

falsely implicate the citizen in a crime. This Court took serious cognizance of the misuse of the powers by the Shrirampur City Police Station, districts Ahmednagar and directed the Superintendent of Police, District Ahmednagar, to take stringent action against the errant police personnel for registering the present crime against the applicant. Without discussing the allegations in detail and being satisfied with the affidavit of the victim that she was forced to lodge the false report against the applicant, he deserves bail. Hence the following order

ORDER

- (i) The application is allowed.
- (ii) The applicant Prashant @ Pappur Dadasaheb Gore be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with the above crime, on the conditions that he shall not tamper with the prosecution witnesses.

6. The Superintendent of Police Ahmednagar is directed to take stringent action against the errant police officials from Police Station Shrirampur city, district Ahmednagar for compelling the victim to lodge a false FIR against the applicant and report this Court after four months about the action taken against the errant officers.

7. The Superintendent of Police Ahmednagar is also directed to

look into the matter personally and take care that the victim who has no father and is compelled to join the profession of a dancer in a musical party should not be harassed in any way.

8. She, a helpless girl, should be protected from any illegal crime registered against her by the police, and necessary directions be issued to the concerned.

9. The copy of the direction issued as directed above to the concerned, assuring protection to the victim, be forwarded to this Court within two weeks from today.

(S. G. MEHARE)
JUDGE

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