



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1253 OF 2023

Shahadeo Asaram Humbe

...Applicant

Versus

The State of Maharashtra & Ors

...Respondents

...

Ms. A. A. Lomte h/f Mr. S. J. Salunke, Advocate for the Applicant.

Mr. S. B. Narwade, APP, for the Respondent – State.

R. V. Sundale, Advocate for the Respondent No. 3.

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CORAM : R.M. JOSHI, J

DATE : DECEMBER 12, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 244 of 2023 registered with Ghansawangi Police Station, Dist. Jalna for the offences punishable under Sections 354, 354-A, 324, 506 of the Indian Penal Code and Sections 8 of Protection of Children from Sexual Offences Act.

2. First informant is a minor girl who states that an incident occurred on 09.06.2023 at around 09.00 pm wherein her modesty was outraged by Applicant. She specifically narrated the incident in FIR. She further claims that since there was marriage in the house, she

did not though it fit to inform about the same to others. She also alleges that thereafter when her cousin brother and other relatives went to Applicant about making enquiry about the same, they were assaulted. Since the injured persons were discharged, report was lodged to the police station.

3. Learned Counsel for the Applicant submits that there is delay of 10 days in lodging of the report. According to her in respect of incident in which Applicant and other relatives were assaulted by relatives of the informant and in order to counter any said report present report is lodged.

4. Learned Counsel for informant opposed the said submissions by submitting that reason given by informant for not lodging report immediately that due to marriage in the house report is not lodged is genuine. It is further stated that in respect of the incident of assault causing on the relative of the informant no report is lodged.

5. Learned APP opposed the application by relying on the investigation papers and citing seriousness of

the crime.

6. There is delay of 10 days in lodging of the report. First informant not only claims that on account of marriage in the house she did not report the incident to the others, she specifically states there is another incident took place in which their relatives have assaulted and sustained injuries. It is also claimed that they were hospitalized and after their discharge they went to police station. If said incident has occurred, it does not stand to any reason why no such report is lodged with police station. This in fact supports the contention of learned Counsel for the Applicant that there was an incident of assault on the Applicant and his relatives and present report could be a case of false implication by way of counter blast to the said report.

7. Having regard to these facts, application stands allowed by confirming interim order dated 01st August, 2023.

(R. M. JOSHI, J.)