

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1307 OF 2022

Harishchandra Balbhim Khatal

.... Applicant

Versus

The State of Maharashtra
and another

.... Respondents

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Mr. Rahul R. Karpe, Advocate for the Applicant

Ms. R.P. Gour, APP for Respondents – State

Mr. A.S. Jagtap, Advocate h/f Mr. A.N. Nagargoje, Advocate for
the Informant

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 11th JANUARY, 2023

ORDER :

1. The applicant apprehends his arrest in connection with Crime No. 0248 of 2022, registered with Majalgaon City Police Station, District Beed for offences punishable under sections 354-A(a)(1)(i), 354-A(1)(ii), 354-D(1), 452, 506 read with 34 of the Indian Penal Code.

2. Informant is a lady police constable working along with the applicant, who is also police constable, under the same Police Officer. They got acquainted with each other. The applicant slowly tried to approach the informant suggesting her to keep physical relations with him. He then started

making phone calls, WhatsApp video calls and messages. Informant tried to avoid him by saying that he is a married man, and his wife is in the same police department. The applicant, thereafter, came to reside in the quarter next to the informant. He continued with his persuasion. The informant is a widow having 3 years old daughter. The wife of applicant is also transferred at Majalgaon, and started residing with applicant. The applicant used to threaten the informant that if she does not accept his request, he will commit suicide. Wife of the applicant also used to threaten the informant that if her husband commits suicide, she will be responsible for the same. On 27/08/2022, when the informant was alone at her house, applicant unauthorizedly entered her house and made sexual gestures, and threatened her saying that she should fulfill his desire. When she told him that she is going to narrate everything to Additional Police Superintendent, the applicant continuously harassed her and threatened her not to disclose the incident to anybody.

3. Heard learned advocate for the applicant, learned Additional Public Prosecutor for the State and learned advocate for the informant. Perused the investigation papers.

4. Perusal of investigation papers show that there was exchange of WhatsApp messages between the informant and applicant. Cell phone of applicant is recovered. The applicant is transferred at Beed, and he has shifted to Beed. The informant is at Majalgaon. The investigation is almost complete. Nothing is to be recovered from the applicant. In these facts, pre-trial custodial detention of the applicant is not necessary.

5. The application is allowed by confirming the interim order.

6. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the investigating officer and co-operate in the investigation. The applicant shall not in any manner influence the prosecution witnesses and/or tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane