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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1633 OF 2022

Bhagwat Machindra Garje

APPLICANT

VERSUS

The State of Maharashtra and Others

RESPONDENTS

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Mr. Sandip R. Andhale, Advocate for the applicant

Mrs. R. P. Gour, APP for respondent - State

Ms. Pratiksha C. Kale, Advocate for respondent No.3

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 18th JANUARY, 2023

ORDER :

1. Leave to correct name of the applicant. Amendment to be carried out forthwith.
2. The applicant apprehends his arrest in Crime No. 865 of 2022 registered with Tophkhana Police Station, Ahmednagar for offence punishable under section 354, 509, 504, 506 of the Indian Penal Code and under sections 8 and 12 of the Protection of Children From Sexual Offences Act.
3. FIR is lodged by mother of the victim alleging that on 29th September, 2022, while she was doing sewing work at 2.00 p.m., the applicant stood behind fridge, removed his entire

cloths and was doing indecent and obscene gestures towards the victim, who was studying.

4. Heard learned advocate for the applicant, learned Additional Public Prosecutor for the State and the learned advocate for respondent No.3 – the informant.

5. The informant has filed an affidavit before the Sessions Court stating that the FIR in question is lodged due to misunderstanding and under pressure of her brother, who wanted loan of Rs.1 lakh from the applicant.

6. Learned Additional Public Prosecutor vehemently opposed the application stating that the statement of the victim is recorded under section 164 of the Criminal Procedure Code, wherein she has supported the allegations made in the FIR. She submits that the allegations against the applicant are serious and he does not deserve discretionary relief of anticipatory bail.

7. It is the fact that the informant has filed affidavit before the Sessions Court as well as before this Court contending that the FIR is lodged due to misunderstanding and under pressure of her brother.

8. It appears from the affidavit filed by the informant that the

informant and the victim are not likely to support the prosecution case before the Court. Nothing is to be recovered from the applicant. No useful purpose would be served by remanding the applicant in custody. In the peculiar facts of the present case, pre-trial custodial detention of the applicant is not necessary.

9. The application is, therefore, allowed by confirming the interim order. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the Investigating Officer. The applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE