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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1776 OF 2022

Prakash Balasaheb Rannaware

APPLICANT

VERSUS

The State of Maharashtra and Others

RESPONDENTS

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Mr. Shaikh Mazhar A. Jahagirdar, Advocate for the applicant

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

Ms. Vaishnavi Padwale, Adv. for respondent No.3 (appointed)

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 6th FEBRUARY, 2023

ORDER :

1. The applicant apprehends his arrest in Crime No. 282 of 2022 registered with Shrirampur Taluka Police Station, Shrirampur, District – Ahmednagar for offence punishable under sections 363, 366, 504, 506 read with 34 of the Indian Penal Code and under sections 7 and 8 of the POCSO Act.
2. Victim lodged FIR on 16th August, 2022 alleging that the applicant abducted her and kept her at his relative's place, from where her parents brought her back. She has specifically mentioned in the FIR that the applicant has not touched her while she was in his company. Subsequently, in her

supplementary statement, she has stated that the applicant outraged her modesty on the date of the incident i.e. 14th August, 2022.

3. Heard learned advocate for the applicant, learned Additional Public Prosecutor for the State and the learned advocate appointed for respondent No.3. Perused the investigation papers.

4. *Prima facie*, there appears substance in the contention of the applicant that he had love affair with the victim and they both decided to elope and get married. In the FIR, the victim does not attribute any act to the applicant, but in her supplementary statement, she has alleged that the applicant outraged her modesty.

5. Considering the allegations made in the FIR and the supplementary statement and the material collected during the course of investigation, custodial detention of the applicant is not necessary, as nothing is to be recovered from him.

6. The applicant was granted interim protection and he has co-operated in the investigation. Pre-trial custodial detention of the applicants, in the facts of the present case, is not necessary.

7. In the result, the application is allowed. In the event of arrest of the applicant in Crime No. 282 of 2022 registered with Shrirampur Taluka Police Station, Shrirampur, District – Ahmednagar for offence punishable under sections 363, 366, 504, 506 read with 34 of the Indian Penal Code and under sections 7 and 8 of the POCSO Act, he be released on executing Personal Bond of Rs.15,000/- with one surety in the like amount. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the Investigation Officer and co-operate in the investigation. The applicant shall not tamper prosecution evidence.

8. Fees of the learned advocate appointed for respondent No.3 is quantified at Rs.2,500/-, which shall be paid by the Legal Services Authority, Sub Committee, Aurangabad, within four weeks.

[NITIN B. SURYAWANSHI]
JUDGE