

SA Pathan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.2153 OF 2023

SHABNOOR
AYUB
PATHAN

Digitally signed
by SHABNOOR
AYUB PATHAN
Date: 2023.08.02
10:16:32 +05:30

Rajendra Bhiku Patsute & Ors. ... Applicants

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. Babu Singh a/w Mr. Niranjan kondyala a/w Mr. Vikaschandra Mishra a/w Mr. Awadesh Yadav, for the Applicant.

Mrs. Rutuja Ambekar, APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 1, 2023

P.C.:

1. Apprehending arrest in connection with C.R.No.102 of 2023 registered with Kasegaon police station, for offences punishable under Sections 354A, 504, 506, 143, 147, 149, 427 of the Indian Penal Code, 1860 (for short 'IPC') and Section 8, 12 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act'), the applicants are seeking relief of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.PC.').

2. According to prosecution, on 29 June 2023, the victim girl lodged complaint to the police station. She alleged that on 28 June 2023 at about 5:30 pm, she along with her sister and their pet dog had been to the bank of river, at that time applicant/accused Rani, Poonam, Maya Riya Vaishali came there, they abused and

assaulted them. It is further alleged that accused Rajendra Bajarang came there. They tried to snatch clothes of her sister. Accused Kailas came there and caught her throat and pressed her breast. Thereafter, his mother and sister came there. At that time Krantikumar, Bhiku, Vijay and Yogesh came there. They assaulted to the informant, her mother and sister. The villager Kashiling Mane, Sachin Kamble, Abhijit Shetake and Raghunath Aadake came there to resolve the dispute. Thereafter, accused inquired the informant about her father and left the place. They threatened to kill the informant and her parents. Therefore, the informant registered the report against the accused.

3. Applicants, therefore, applied under Section 438 of Cr.P.C. before learned Sessions Judge which came to be rejected by order dated 24 July 2023. Aggrieved thereby, the applicants have filed the present anticipatory bail application.

4. On perusal of the material on record including case papers, it appears that parties have filed cross reports against each other as regards the same incident. In the cross F.I.R. filed by the daughter of applicant No.1, father of informant of the present report and other family members are released on anticipatory bail. According to applicants, applicant No.1 is the panch in relation to a criminal proceedings filed against the informant's father. According to applicants, the family members of informant were pressurizing applicant No.1 to withdraw the proceedings. The family of informant and applicants are relatives. There are no antecedents to discredit of applicants. Therefore, applicants have made out a case for relief under Section 438 of Cr.P.C. Hence, following order:

- a) In the event of arrest of the applicants in connection with C.R.No.102 of 2023 registered with Kasegaon police station, for offences punishable under Sections 354A, 504, 506, 143, 147, 149, 427 of IPC and Section 8, 12 of POCSO Act, they be released on bail on furnishing P.R. bond of Rs.25,000/- each, along with one or two sureties in the like amount.
 - b) Applicants shall remain present before the concerned police station on 3rd, 5th and 7th August 2023 between 11:00 am to 2:00 pm and thereafter, as and when called by the investigating officer.
 - c) Applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.
 - d) Applicants shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.
 - e) Applicants shall, at the time of execution of the bond, furnish their addresses and mobile numbers to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.
5. The anticipatory bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)