



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2477 OF 2023**

Vinayak Mahadev Paritkar
versus
The State of Maharashtra

... Applicant
... Respondent

Mr. Shekhar Ingawale, for Applicant.
Mr. M.G.Patil, APP for State.
Mr. Vijayanand Vikas Kumbhar PHC Kale Police Station, Kolhapur, present.

CORAM: N.J.JAMADAR, J.

DATE : 4 SEPTEMBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.74 of 2023 registered with Kale Police Station, Kolhapur for the offences punishable under Section 354 and 354A of the Indian Penal Code, 1860.
3. The first informant is working as a Arogya Sevika at Bhogaon Primary Health Sub-Centre, Tal. Panhala, Kolhapur. The applicant was a Peon therein. On the night intervening, 30 July 2023, the first informant was taking rest in a room. The door of the room remained ajar as it could not be latched from inside. At about 2.00 a.m., the applicant allegedly came near the cot of the first informant, sat on the cot and tried to pull the first informant towards him by catching her hands and legs, and thereby outraged her modesty. The first informant narrated the incident to first her

husband and then to the superior officers. A meeting was held on 30 July 2023 at the Primary Health Centre wherein the version of the first informant and the applicant came to be recorded.

4. The learned Counsel for the Applicant submitted that in the statement recorded before the superior officers on 30 July 2023, the role of outraging the modesty of the first informant by establishing physical contact has not been attributed. After a week's time, the first informant lodged the report on 6 August 2023.

5. The learned APP, on the other hand, submitted that the first informant had reiterated the role attributed to the applicant in her statement recorded under Section 164 of Code of Criminal Procedure, 1973 before the learned Magistrate. Moreover, since the applicant and the first informant are working at the same Primary Health Centre, there is an imminent possibility of tampering with the evidence and threatening the first informant. Therefore, the applicant does not deserve any relief.

6. I have perused the allegations in the FIR and the statement attributed to the applicant which seems to have been recorded on 30 July 2023 in the meeting held by the superior officers. It appears that in the said statement, role of the applicant having entered the room where the first informant was taking rest and sitting on the cot has been attributed to the applicant. In any event, the fact that the applicant had allegedly entered the room of the first informant at the dead of the night, prima facie

finds support in the statement dated 30 July 2023, though the allegations of establishing physical contact do not find mention therein.

7. The offences punishable under Sections 354 and 354A(i) entail punishment of five years and three years respectively. In a situation of this nature, the custodial interrogation of the applicant does not seem to be warranted to facilitate further investigation. The offences though against woman fall in category 'A' delineated by the Supreme Court in the case of Satender Kumar Antil V/s. Central Bureau of Investigation and Anr.¹.

8. The applicant being a public servant has roots in society. Possibility of fleeing away from justice seems extremely remote. The apprehension on the part of the prosecution of tampering with evidence and threatening the first informant can be taken care of by imposing conditions. I am, therefore, persuaded to exercise discretion in favour of the Applicant.

9. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) In the event of the arrest of the Applicant – Vinayak Mahadev Paritkar in connection with C.R.No.74 of 2023 registered with Kale Police Station, Kolhapur, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with

¹ (2002) 10 SCC 51

one or two sureties in the like amount.

(iii) The Applicant shall co-operate with the investigation and report to the Kale Police Station, Kolhapur on every Sunday from 10.00 a.m. to 12.00 for a period of one month and thereafter, as and when directed by the Investigating Officer.

(iv) The Applicant shall not contact the first informant, her husband or any person acquainted with the facts of the case and shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses or the persons acquainted with the facts of the case.

(v) In the event of breach of any of the conditions, the bail shall be liable to be cancelled.

(N.J.JAMADAR, J.)