

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO.1690 OF 2023

Sachin Gulab Nikalje	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Vaibhav R. Gargade, for the Applicant.

Mr. Amit A. Palkar, APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : JUNE 19, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.328 of 2023 registered at Pune City police station for the offence punishable under Sections 354, 354-A, 354-B, 354-D, 452, 323, 504, 506 of the Indian Penal Code (for short “IPC”). The applicant is seeking relief under Section 438 of the Code of Criminal Procedure, 1973.

2. According to the prosecution, the informant lodged a report that she works as Peon at Koregaon Gram Panchyat for 13 years. The applicant is Ex-Deputy Sarpanch of the said village. On 13 April 2023, the informant was proceeding towards her home after completing cleaning work. The applicant approached the informant and expressed his love by taking her hand in his hand. He pulled corner of her saree and demanded sexual favours from informant. The informant refused to accept proposal of the applicant. On refusal, he assaulted and abused the informant.

The applicant, thereafter came in her house on 17 May 2023 despite her refusal again held her hand and forced her to give consent for his proposal. She refused again. On the next day, she informed her husband about the incident. Based on aforesaid incidents report registered on 19 May 2023. The applicant approached learned Sessions Court, by interim relief learned Sessions Court protected the applicant. However, the Sessions Court directed the applicant to co-operate with investigation. It is submitted that during pendency of interim relief, the applicant using his influence as a Deputy Sarpanch was forcing the informant to withdraw the complaint. Accordingly, informant lodged C.R. Nos.576 of 2023 and 613 of 2023 against the applicant on 29 May 2023 and 10 June 2023. Learned Sessions Court rejected the application. Aggrieved thereby, the applicant filed present application.

3. Learned Advocate for the applicant submitted that the applicant has been falsely implicated. There is no material on record to substantiate the circumstances.

4. On perusal of material on record, it appears that incident on 17 May 2023 was witnessed by passerby, his statement prima facie supports prosecutrix case.

5. Apart from the said fact, learned Sessions Court, rejecting anticipatory bail was passed on 12 June 2023. The Gram Panchayat has terminated service of the applicant by passing Resolution on the next day of that order, despite fact that informant was working on the said post for 15 years. The said act

of Gram Panchayat, prima facie supports the Non Cognizable complaint lodged by the informant alleging that during pendency of anticipatory bail application, the applicant was forcing her to withdraw her complaint else she would be removed from her employment. Therefore, in my opinion, the applicant has violated the terms and conditions imposed on him by learned Sessions Court. The applicant has obstructed/hampered the police investigation, prima facie by forcing informant to withdraw her complaint. Therefore, the applicant is not entitled to relief.

6. The Anticipatory Bail Application is, therefore, rejected.

7. Since, the applicant was protected by the interim order passed by learned Sessions Court, the said protection is continued for period of two weeks from today.

(AMIT BORKAR, J.)