

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION (ABA) NO. 241/2023**

SANJAY S/O. GULABCHAND AGRAWAL  
 VS  
 STATE OF MAH. THR. PSO, CHANDUR BAZAR, TQ. CHANDUR BAZAR, DIST.  
 AMRAVATI.

Office Notes, Office Memoranda of  
 Coram, appearances, Court's Orders  
 or directions and Registrar's order

Court's or Judge's Order

Mr J.B. Kasat, advocate for the applicant.  
 Mr M.J.Khan, APP for the respondent/State.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 09/06/2023.**

1. Heard.
2. The present application is for grant of anticipatory bail in connection with Crime No. 237/2023 registered with Police Station, Chandur Bazar, District Amravati for the offences punishable under Sections 354, 354A, 452 and 506 of the Indian Penal Code.
3. The applicant is apprehending arrest at the hands of the Police as the Crime was registered on the basis of report lodged by the victim on an allegation that on 30/03/2023 when she was alone in the house, the applicant entered into the house. And again on 04/04/2023 at about 5 to 6 p.m. when she was alone in house, the applicant entered into the house by back door and outrage her modesty. On basis of the said report the Police have registered the offence against the present applicant. Therefore, the applicant is apprehending at the hands of Police.

This Court protected by granting ad-interim anticipatory bail in view of the guidelines by the Hon'ble Apex Court in the case of ***Satender Kumar Antil Versus Central Bureau Of Investigation & Anr reported in 2022 (10) SCC 51*** .

4. Learned APP raised strong objection by filing the reply. However, in reply, it is fairly stated that custodial interrogation of the present is not required as there is no immediate apprehension as such. It is further mentioned in the reply that after releasing the applicant on ad-interim anticipatory bail, he has cooperated with the investigating agency.

5. This Court has already observed that the directions are issued by the Hon'ble Apex Court in ***Satender Kumar Antil Versus Central Bureau Of Investigation & Anr reported in 2022 (10) SCC 51*** and ***Arnesh Kumar v/s State of Bihar, reproted in (2014)8 SCC 273*** wherein the crimes are registered under the provisions for which punishment upto 7 years is provided. It is observed by the Hon'ble Apex Court in the case of ***Satender Kumar Antil Versus Central Bureau Of Investigation & Anr*** (supra) the even if the cognizable offence is registered the arrest is not mandatory and the Police Officer, before arresting, must put a question to himself; Why arrest? Is it really required? What purpose it will serve? What object it will achieve? As the investigating agency specifically stated that custodial interrogation of the present applicant is not required and he has co-operated with the investigating agency, the anticipatory protection is granted deserves to be confirmed.

6. Moreover on perusal of the recitals of the FIR, it is apparent that in custodial interrogation of the present applicant is not at all required and hence, the interim protection granted to the applicant deserves to be confirmed. In view of that I proceed to pass following order:

- a) Application is allowed.
- b) The applicant/accused is released on bail in the event of his arrest in crime No. 237/2023 registered under Section 354, 354A, 452 and 506 of the Indian Penal Code, on executing P.R. Bond of Rs. 25,000/- with one surety of like amount.
- c) The applicant shall attend the concerned Police Station as and when required for investigation purpose.
- d) The applicant shall furnish his cell phone number and his address along with address proof and shall provide the names of two nearest relatives along with address proof.
- e) The applicant shall not induce, threat or promise any of the witness who are connected with the present case.

**JUDGE**