

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.336 OF 2023

Siddharth Bhaskar Bansod

Vs.

State of Maharashtra, Police Station, Bandera, Tq. and Dist. Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri V.D. Darne , Advocate for applicant.

Shri S.M. Ghodeswar, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : JULY 07, 2023.

The present application preferred for grant of anticipatory bail in Crime No.343/2023 registered with Police Station, Badnera, District Amravati for the offence punishable under Section 354, 354A, 452 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by victim girl on an allegation that on 14.05.2023 at about 02.30 pm she was alone in the house and was studying at the relevant time the present applicant entered in her house and outraged her modesty by holding her hand by pulling her towards him. She shouted for help. After hearing shout, her father and grandfather came there and the present applicant fled away from the spot. On the basis of said report, the police have registered the crime against the present applicant.

3. As per contention of the present applicant, this false report is lodged with baseless allegations merely because there is previous enmity. His physical custody is not required. The offence alleged is not punishable with more than seven years. Considering that nothing is recovered from him, his custody is not required and hence he be released on bail in the event of his arrest.

4. The said application is opposed by the State on the ground that the offence committed by the present applicant is of heinous nature. If he is released on bail, he will tamper the prosecution evidence and hamper the investigation. Hence, the application deserves to be rejected.

5. Heard learned counsel for the applicant Shri V.D. Dharne. He reiterated the contention and submitted that even if the allegation is taken as it is the physical custody of the applicant is not required as nothing is to be recovered from him. The reply filed by him itself shows that relevant statements of the witnesses are already recorded. Considering the same, the applicant be released on anticipatory bail in the event of his arrest.

6. Learned APP vehemently submitted that considering that the victim was alone in the house, the present applicant entered into the house and outraged her modesty. The offence committed is of serious nature and therefore custodial interrogation of the applicant is required and hence

application deserves to be rejected.

7. Having heard both the sides and on perusal of the FIR, it reveals that the allegations against the present applicant is that the he entered into the house of the victim when she was alone in the house and caught hold her hand and pulled her towards him, thus, outraged her modesty. The reply filed by the State admittedly shows that relevant statements of witnesses are already recorded. Admittedly, nothing is to be recovered from the present applicant. As observed by the Hon'ble Apex Court in ***Satender Kumar Antil Vs. Central Bureau of Investigation and another***; reported in ***(2022) 10 SCC 51*** that even for a cognizable offense, an arrest is not mandatory as can be seen from the mandate of section 41 of the Code of Criminal Procedure. If the officer is satisfied that a person has committed a cognizable offense, punishable with imprisonment for a term which may be less than seven years, or which may extend to the said period, with or without fine, an arrest could only follow when he is satisfied that there is a reason to believe or suspect, that the said person has committed an offense, and there is a necessity for an arrest.

8. After going through the investigation papers, nothing is on record to show that the arrest of the present applicant is required for the investigation purpose. As far as the interrogation is concerned, some conditions can be imposed on the applicant. Accordingly, I proceed to pass the following order:

ORDER

- i. The criminal application is allowed.
- ii. In the event of arrest in Crime No.343/2023 registered with Police Station, Badnera, District Amravati for the offence punishable under Section 354, 354A, 452 of the Indian Penal Code, 1860, applicant – Siddharth Bhaskar Bansod, be released on bail on he furnishing P.R. Bond in the sum of ₹25,000/- with one surety in the like amount.
- iii. The applicant shall attend Police Station, Badnera, District Amravati as and when called by the investigating officer and shall cooperate in the investigation.
- iv. The applicant shall furnish his cell phone number and address with address proof.
- v. The applicant shall not tamper prosecution evidence or shall not induce, threaten or pressurize any witness, who are connected with the crime.

With this, criminal application is disposed of.

JUDGE*Wagh*