

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

CRIMINAL APPLICATION (ABA) NO.390 OF 2023

Mayur @ Vikki Bandu More

Vs.

State of Maharashtra, through Police Station Officer, Police Station, Sarmaspura
District Amravati and another

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

Court's or Judge's orders

Ms. A. R. Sharma, Advocate for applicant.

Mr. S. M. Ghodeswar, APP for respondent No.1/State.

Ms. Mohini A. Sharma, Appointed Advocate for respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 26/07/2023

1. The present application is for grant of anticipatory bail in the event of arrest in connection with Crime No.148/2023 registered with Police Station, Sarmaspura, District Amravati for the offences punishable under Sections 354-A of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children From Sexual Offences Act, 2012.

2. The applicant is apprehending arrest at the hands of police as the crime is registered on the basis of report lodged by the mother of the victim girl alleging that victim girl is aged about 15 years, 11 months and 7 days. She was sexually harassed and the applicant has outraged her modesty by holding her hand and physically touched her. On the basis of said report,

police have registered the crime against the present applicant.

3. As per the contention of the present applicant that he is falsely implicated in the alleged offence, due to the previous dispute between the family. As far as the physical custody of the present applicant is concerned, it is not required and hence, he be protected by granting anticipatory bail.

4. The said application is strongly opposed by the State as well as learned Counsel for the respondent No.2 on the ground that the victim is a minor girl of 15 to 16 years. She was subjected for sexual harassment at the hands of the present applicant. His custodial interrogation is required and hence, the application is deserves to be rejected.

5. Having heard both the sides. On perusal of the investigation papers, it reveals that the allegation against the present applicant is that he has outraged the modesty of the victim girl by holding her hand and physically touched her “माझा किस घेतला” and as far as the allegation is concerned, nothing is to be recovered from the present applicant and the part of the interrogation is already carried out by the Investigating Officer. The necessary statements of the relevant witnesses are already recorded. Thus, physical custody of the present

applicant is not required. Considering the nature of the allegation and as the custody of the present applicant is not required, application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order.

- (i) The application is allowed.
- (ii) The applicant **Mayur @ Vikki Bandu More** is released on anticipatory bail in the event of his arrest in Crime No.148/2023, registered with Police Station, Sarmaspura, District Amravati for the offence punishable under Section 354-A of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children From Sexual Offences Act, 2012, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall not induce, threat or promise or in any manner contact the victim girl, till conclusion of the trial.
- (iv) The applicant shall furnish his cell phone number and address with the address proof.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)