

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

CRIMINAL APPLICATION (ABA) NO.427 OF 2023

Sudhir s/o Krushnaji Dangari Vs. State of Maharashtra through PSO, PS
Hinganghat, District Wardha

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

Court's or Judge's orders.

Shri B.S. Dhandale, Advocate for applicant.
Shri I.J. Damle, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : AUGUST 07, 2023.

The present application is for seeking anticipatory bail in the event of arrest in connection with Crime No.585/2023 registered with Police Station, Hinganghat, District Wardha for the offences punishable under Sections 354, 354A, 452, 504 and 506 of the Indian Penal Code, 1860.

2. The applicant is apprehending his arrest at the hands of police as the report is lodged by victim on an allegation that, on 25.05.2023 at about 7.00 pm, when she along with her daughter was present at her house, the applicant entered in her house and caught hold her hand and outraged her modesty. On the basis of said report, the police have registered the crime against the present applicant.

3. As per the contention of the present applicant, due to previous enmity and political rivalry, he is implicated in the alleged offence. As far as the investigation is concerned, his custodial interrogation is not required and hence he be

protected by granting anticipatory bail.

4. The said application is strongly opposed by the State on the ground that there is a *prima facie* material against the present applicant. There are criminal antecedents against applicant and if he is released on anticipatory bail there is likelihood of involving in similar type of offence and prays for rejection of bail.

5. Having heard learned counsel for the applicant, learned APP for State and perused the investigation papers, it reveals that there is previous dispute between the family of the victim and the present applicant. As far as allegation against the present applicant is concerned, it is alleged that the applicant entered in her house and caught hold her and outraged her modesty. As far as the custodial interrogation of the applicant is concerned, physical custody of the applicant is not required as nothing is to be recovered from him. The other part of the investigation is concerned, appropriate conditions can be imposed on the present applicant. As far as criminal antecedents are concerned, from two offences the applicant is already released on bail. The applicant has filed an affidavit contending that Crime No.292/2003 is not registered against him and Crime No.3138/2003 is registered against Krushna Bhimaji Dangari and not against him. Moreover, merely because some offences are registered against the present applicant will not deprive for seeking the protection. Considering the allegation

and as his physical custody is not required, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order:

ORDER

- i. The criminal application is allowed.
- ii. In the event of arrest in Crime No.585/2023 registered with Police Station, Hinganghat, District Wardha for the offences punishable under Sections 354, 354A, 452, 504 and 506 of the Indian Penal Code, 1860, applicant – Sudhir S/o Krushnaji Dangari, be released on bail on furnishing P.R. Bond in the sum of ₹25,000/- with one surety in the like amount.
- iii. The applicant shall attend concerned Police Station, as and when called by the investigating officer for investigation 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, the application is disposed of.

JUDGE