



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

14 ANTICIPATORY BAIL APPLICATION NO. 112 OF 2024

Somnath Eknath Aghav

..APPLICANT

-VERSUS-

1. State of Maharashtra
2. The Superintendent of Police
3. XYZ

..RESPONDENTS

Advocate for Applicant : Mr. Imale Ramesh Ramdas
APP for Respondent/State: Mr.R.B. Dhaware
Advocate for respondent no.3 : Mr. N.L. Jadhav

...
CORAM : **SHIVKUMAR DIGE, J.**

DATE : 15th July, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.226 of 2023 registered with Police Station, Shirur Kasar, Tq. Shirur, Dist. Beed, for the offences punishable under sections 354, 341, 323, 504, 506 of the Indian Penal Code (For short, "IPC") and sections 8 and 12 of the Protection of Children from Sexual Offences Act.
2. It is prosecution's case that the victim is 15 years old niece of the informant. It is alleged that on 5th December, 2023, at about 6.30 p.m, when the victim was going on the scooty of the informant, the applicant restrained her. He hold her hand and insisted her to come with him. When the informant went for rescue the victim, the applicant assaulted her by kicks and blow and she has sustained injuries. When the victim and informant raised shouts, the applicant threatened them to kill and

ran away from the incident spot.

3. It is contention of learned counsel for the applicant that the applicant has been falsely implicated in this case. The learned counsel further submitted that earlier same informant has lodged three complaints of similar nature against the applicant. The first complaint was filed on 12th August, 2020 by the informant under sections 354, 452 and 506 of the Indian Penal Code. Thereafter, the second complaint was filed by the same informant under sections 324, 323, 504, 506 of the Indian Penal Code by mentioning the incident date as 19th June, 2021. The learned counsel further submitted that thereafter this is third complaint against the applicant. The learned counsel further submitted that in the earlier complaints trials have been conducted against the applicant. In both the trials, the informant has become hostile, hence the applicant has been acquitted from both the cases. The learned counsel further submitted that the applicant is State Level Archer. Considering the allegations against the applicant, his custodial interrogation is not required, hence requested to allow the application.

4. It is contention of learned APP with learned counsel for respondent no.3 that there are eight antecedents against the applicant of similar nature. The applicant outraged the modesty of the victim, who is below 15 years of age. Custodial interrogation of the applicant is required, hence requested to reject the application. The learned

APP is relying upon the judgment in the case of ***Manikantan @ Bombe Ramesh S/o Late Subbaiah Vs. The State of Karnataka and others*** reported in ***2018 SCC Online Kar 1822***.

5. I have heard all the learned counsel. Perused the F.I.R. and police papers produced on record.

6. It appears from the record that earlier two complaints of similar nature were filed against the applicant by informant. In trial, the informant turned hostile. The applicant has been acquitted in the said cases. Considering the allegations made against the applicant in the present case, his custodial interrogation is not required. I have gone through the case law cited by the learned APP. The facts of cited case and present case in hand are different, hence I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with FIR No.226 of 2023 registered with Police Station, Shirur Kasar, Tq. Shirur, Dist. Beed, for the offences punishable under sections 354, 341, 323, 504, 506 of the Indian Penal Code and sections 8 and 12 of the Protection of Children from Sexual Offences Act, the applicant be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount, on the following conditions :-

(a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]

sga