



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

58 ANTICIPATORY BAIL APPLICATION NO. 371 OF 2024

Sangharsh Prakash Satpute

..APPLICANT

-VERSUS-

1. State of Maharashtra
2. Superintendent of Police
3. X.Y.Z.

..RESPONDENTS

Advocate for Applicant : Mr. Sakhare Vinod Shriram

APP for Respondent/State: Mr.C.V. Bhadane

Advocate for respondent no.3:Miss. Mruganayani M. Deshpande (appointed)

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 15th July, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.36 of 2024 registered with Shillegaon Police Station, Tq. Gangapur, Dist. Aurangabad, for the offences punishable under sections 354, 354-A of the Indian Penal Code (For short, "IPC") and under sections 8 and 12 of the Protection of Children from Sexual Offences Act.
2. It is prosecution's case that on 6th February, 2024, at around 12.30 p.m., when victim was returning to her home by completing school, at that time, the applicant outraged her modesty by holding her hand and asked her to come nearby field. Thereafter, the applicant threatened the victim that, if she discloses this act to anyone he will kill her.
3. It is contention of the learned counsel for the applicant that the

applicant has been falsely implicated in this case. The sister of the applicant has filed complaint against the brother of the victim alleging the same allegations. To counter the said complaint, the present complaint has been filed against the applicant. The learned counsel further submitted that considering the allegations against the applicant, his custodial interrogation is not required, hence requested to allow the application.

4. It is contention of the learned APP along with learned counsel for the respondent no.3 that the applicant had outraged the modesty of the victim, who is below 16 years of age. The applicant was aware that she is minor, inspite of that he outraged her modesty. Custodial interrogation of the applicant is required, hence requested to reject the application.

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

6. It is alleged that the applicant had outraged the modesty of informant by holding hand and asking her to come to nearby field. The investigation is completed, the charge-sheet has been filed. Considering the allegations against the applicant, his custodial interrogation is not required, and 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.36 of 2024 registered with Shillegaon Police Station, Tq. Gangapur, Dist. Aurangabad, for the offences punishable under sections 354, 354-A of the Indian Penal Code and under 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.
- (b) the applicant shall not enter in village Derda and village Gajgaon where the victim takes education till recording of the evidence of the victim.
- (c) Fees of Rs.5,000/- be paid to Miss. Mruganayani M. Deshpande, the learned counsel appointed to represent the cause of respondent no.3 through the High Court Legal Services Sub-Committee, Aurangabad.

[SHIVKUMAR DIGE, J.]