



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

945 ANTICIPATORY BAIL APPLICATION NO. 405 OF 2024

Nitin Ramdas Dhawale

..APPLICANT

-VERSUS-

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

..RESPONDENTS

...
Advocate for Applicant : Mr. Saurabh R. Nikat h/f Mr.Rahul R. Karpe
APP for Respondent/State: Ms.V.S. Chaudhari
Advocate for respondent no.3 : Mr.Y.H. Legad

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 13th June, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.693 of 2023 registered with Belwandi Police Station, Tq.Shrigonda, Dist.Ahmednagar, for the offences punishable under sections 354, 504 read with 34 of the Indian Penal Code (For short, "IPC") and section 8 of the Protection of Children from Sexual Offences Act (For short, "POSCO Act").
2. It is the prosecution case that on 28th December, 2023, the victim, who is 17 years old, was present in the courtyard of her house. At about 10.00 p.m., the applicant came there on his motorcycle with accused no.1. The applicant was riding the said motorcycle. Accused no.1 Santosh was pillion rider. Santosh got down from the motorcycle and caught hold hands of the victim and asked her to marry with him

and he will give her every happiness. By the said act, the victim shouted loudly. Her father came out from the house. The applicant and accused no.1 fled away on motorcycle of the applicant.

3. It is the contention of the learned counsel for the applicant that allegations against applicant are that he was sitting on motorcycle when accused no.1 caught hold hands of the victim. The applicant has been falsely implicated in this case. Before this incident, F.I.R. was lodged against the brother of the victim by accused no.1. To counter the said F.I.R., the applicant has been falsely implicated in this case. Custodial interrogation of the applicant is not required. The learned counsel further submitted that the father of victim has filed the affidavit stating that he has no objection to grant bail to the applicant.

4. It is contention of the learned APP that the applicant was present with accused no.1. He ferried accused no.1 to the house of victim on his motorcycle. It shows involvement of the applicant in the said crime. The applicant has criminal antecedents. Custodial interrogation of the applicant is required. Hence he requested to reject the application.

5. The learned counsel for respondent no.3 submits that respondent no.3 has no objection to allow the application.

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

7. The allegations against the applicant are that he was sitting on

motorcycle when the accused no.1 caught hold hands of the victim and applicant ran away along with accused no.1 on his motorcycle after the incident. There are no allegations against the applicant that he abused or caught hold the victim. Considering the nature of the allegations against the applicant his custodial interrogation is not required. Considering the above, 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.693 of 2023 registered with Belwandi Police Station, Tq.Shrigonda, Dist.Ahmednagar, for the offences punishable under sections 354, 504 read with 34 of the Indian Penal Code and section 8 of the Protection of Children from Sexual Offences Act, the applicant be released on executing personal bond in the sum of Rs.20,000/- with one surety of the like amount, on the following condition :-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]