



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

55 ANTICIPATORY BAIL APPLICATION NO. 525 OF 2024

1. Dadasaheb Maruti Dhanve
2. Krishna @ Vikas Dadasaheb Dhanve
3. Vishal Prakash More
4. Akash Dadasaheb Dhanve

..APPLICANTS

-VERSUS-

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

..RESPONDENTS

...
Advocate for Applicant : Mr. Shekade Shashikant E
APP for Respondent/State : Ms.P.V. Diggikar
Advocate for Respondent no.3 : Ms.Kale Pratiksha Chhaburao
(appointed)

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 29th July, 2024.

P.C.:

1. The applicants apprehend arrest in connection with F.I.R. No.0311 of 2023 registered with Police Station, Jamkhed, Dist.Ahmednagar, for the offences punishable under sections 354, 352, 504, 506 of the Indian Penal Code (For short, "IPC") and sections 11 and 12 of the Protection of Children From Sexual Offences Act, 2012.
2. It is the prosecution's case that the victim was taking education in 6th standard. She was minor. On 12th July, 2023, at about 5:30 p.m., when the mother of the victim returned to the house, she found victim

was crying. On inquiry, victim disclosed that applicant no.4 juvenile in conflict with law pulled her hand and outraged her modesty by saying that he like her. After arrival of the husband, the mother of the victim narrated this incident to him. All family members went to the house of the applicants. All the applicants without hearing anything caused assault on the parents of the victim by stick. They threatened to kill them. Then the mother of the victim lodged police complaint.

3. It is the contention of the learned counsel for the applicants that applicant no.4 against whom the allegations are made is juvenile in conflict with law. He and victim studying in one school. Against other applicants, there are allegations that they beaten up the family of the victim. Considering the allegations against the applicants, their custodial interrogation is not required, hence requested to allow the application.

4. It is the contention of the learned APP along with learned counsel for respondent no.3 that the applicant no.4 outraged the modesty of the daughter of the informant, who is minor. The learned APP further submitted that other applicants assaulted the family members of the informant when they went to the house of the applicants for confrontation of the incident. In the statement of the victim recorded under section 164 of Criminal Procedure Code, she has stated about the incident. Statement of brother of the victim is recorded by the police. In the said statement, he has stated that the

applicants assaulted him when they had gone to their home. Considering the allegations against the applicants, their custodial interrogation 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. The allegations against the applicants are that applicant no.4 outraged the modesty of the victim. Though there are allegations against applicant nos.1 to 3 that they assaulted the informant's family members, in the F.I.R. it is alleged that the applicants threatened to kill the informant and her family members. There are no allegations of assault mentioned in the F.I.R. Considering the allegations against applicants, the applicant no.4 is juvenile and he is taking education, their 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 applicants in connection with F.I.R. No.0311 of 2023 registered with Police Station, Jamkhed, Dist.Ahmednagar, for the offences punishable under sections 354, 352, 504, 506 of the Indian Penal Code and sections 11 and 12 of the Protection of Children From Sexual Offences Act, 2012, the applicants be released on executing personal bond in the sum of Rs.15,000/- each with one surety of the like amount by each of them, on the

following conditions :-

- (a) the applicants shall attend the concerned police station as and when required by the Investigating Officer.
- (iii) Fees of Rs.5,000/- be paid to Ms.Kale Pratiksha Chhaburao, the learned counsel appointed to represent the cause of respondent no.3 through the High Court Legal Services Sub-Committee, Aurangabad.

[SHIVKUMAR DIGE, J.]

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