



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

974 ANTICIPATORY BAIL APPLICATION NO. 621 OF 2024

- 1) Kisan Deoram Patil
 - 2) Pravin Kisan Patil
- ...Applicants

versus

1. The State of Maharashtra
 2. The Superintendent of Police, Jalgaon
 3. X.Y.Z.
- ...Respondents

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Advocate for Applicant : Mr. Vijay B. Patil
APP for Respondent Nos. 1 and 2: Mr. S.P. Sonpawale
Advocate for Respondent No.3 : Mr. B.R. Warma

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CORAM : SHIVKUMAR DIGE, J.
DATED : 19th JUNE, 2024.

PER COURT :-

1. The applicants apprehend arrest in F.I.R. No. 32 of 2024 registered with Marwad police station, Tq. Amalner, district Jalgaon for the offences punishable under Sections 324, 509, 323, 504, 143, 146, 147 and 149 of I.P.C. and under Section 12 of Protection of Children from Sexual Offences Act, 2012 and section 37(1) (C) of the Maharashtra Police Act, 1951.

2. It is the prosecution's case that on 14.3.2024, around 3.00 p.m. when the daughter of the complainant had gone in courtyard for feeding the cattles, at that time, applicant No.1 was sitting on chair in

his courtyard. As no one was present around, by taking advantage of that situation, applicant No.1 called the victim with ill intention. Due to call of applicant No.1, victim came to her house and she narrated the incident to the wife of the complainant. Thereafter, on 17.3.2024, when the complainant went to feed his cattles, at that time, the applicant No.1 was standing in front of his house, the complainant confronted the incident of 14.3.2024 to applicant No.1 and told him that considering his age, he should not have gestured to victim. It is alleged that on 21.3.2024, when the complainant had gone for feeding his cattles, at that time, applicant No.1 and his wife came there and abused the complainant. Thereafter, applicant No.2 and co-accused came there and assaulted the complainant with iron rod. It is alleged that applicant No.2 gave iron rod to applicant No.1 and by taking iron rod from the hand of applicant No.2, applicant No.1 assaulted the complainant and his daughter (victim). Due to said assault, complainant has sustained injuries on his left hand finger.

3. It is the contention of the learned counsel for the applicants that the applicants have been falsely implicated in this case. The wife of co-accused No.3 has lodged the complaint against the complainant to counter the said complaint present complaint is filed. All offences registered against the applicants are bailable except offence under Section 12 of POCSO Act. The custodial interrogation

of the applicants is not required. Hence, he requested to allow the application.

4. It is the contention of the learned A.P.P. that applicant No.1 had called the victim with ill intention. When the complainant confronted about the said act, the applicant and co-accused assaulted the victim and her father by iron rod. The victim and the complainant have sustained injuries. The custodial interrogation of the applicants is required. Hence, he requested to reject the application.

5. Learned counsel for the respondent No.3 submitted that there is prima facie case against the applicants. Applicant No.1 had called the victim with ill intention. Hence, requested to reject the application.

6. I have heard all learned counsel. Perused the F.I.R. and the police papers produced on record. It appears from the record that the complainant and co-accused have lodged the complaint against each other. The applicants and complainant are neighbours. Except the offence under section 12 of POCSO Act, the other offences registered against the applicants are bailable. The allegations against applicant No.1 is that he had called the victim with ill intention. Considering the nature of allegations in the F.I.R. the

custodial interrogation of the applicants are not required and I pass the following order:-

O R D E R

(I) The application is allowed.

(ii) In the event of arrest of the applicants in connection with F.I.R. No. 32 of 2024 registered with Marwad police station, Tq. Amalner, district Jalgaon for the offences punishable under Sections 324, 509, 323, 504, 143, 146, 147 and 149 of I.P.C. and under Section 12 of Protection of Children from Sexual Offences Act, 2012 and section 37(1) (C) of the Maharashtra Police Act, 1951, 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.

(SHIVKUMAR DIGE, J.)

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