



780.24aba speaking to minutes

(1)

**(This order is modified in view of the order dated 21/10/2024,
passed on a motion for speaking to the minutes)**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

937 ANTICIPATORY BAIL APPLICATION NO. 780 OF 2024

RUSHIKESH KAILAS VANJARI

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

....

Mr Shashikant Shekade, Advocate for Applicant

Mrs D. S. Jape, A.P.P. for Respondents/State

Mr Yogesh C. Patil, Advocate (appointed) for Respondent No.3

CORAM : R. M. JOSHI, J.

DATE : 11th October, 2024

PER COURT :-

1. Applicant apprehends arrest in connection with Crime No.0223 of 2024, registered with Shevgaon Police Station, Dist. Ahmednagar, for the offences punishable under Sections 354, 323 of the Indian Penal Code; under Sections 8 and 12 of the Protection of Children from Sexual Offences Act and under Section 3(1)(r), 3(2)(va) and 3(1)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. First informant is a minor girl. She claims that, on 15/03/2024, at about 11:00 a.m. she had her 10th Standard

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examination and she went along with her brother to the school. It is her allegation that present applicant entered Block No.16 and made certain statement to her and thereby outraged her modesty. It is claimed that, her brother was standing at the window of said hall. When her brother asked the applicant about said act, he assaulted him. She further claims that, after the examination was over, she did not tell about the said incident to the supervisor or any other person.

3. Learned counsel for applicant submits that, on the same date, there was an incident between applicant and brother of informant and therefore, informant has been instigated to lodge complaint against applicant. It is pointed out that, at the time of granting of interim relief, he has placed on record a pen-drive containing CCTV footage of the premises provided by employer of the applicant, which indicates that the applicant was present at his work place at the relevant time.

4. Learned APP and learned counsel for informant opposed the application.

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5. Perusal of the police papers do not indicate that, any investigation was done by the Investigating Officer with regard to CCTV footage provided by the applicant indicating his presence at work place at relevant time. There is no dispute about fact that, on the date of incident, some incident was occurred between applicant and brother of informant. Pertinently, incident as alleged that informant is her 15/03/2024. Report is lodged on 16/03/2024. Perusal of the investigation papers do not indicate that students were present in the hall for giving examination. Moreover, statement recorded also does not support case of prosecution. Thus, possibility of false implication is not ruled out. This is a fit case for granting anticipatory bail. As a result, application is allowed in terms of interim order dated 15/05/2024.

6. Fees of learned counsel appointed for respondent No.3 is quantified at Rs.10,000/- (Rs. Ten Thousand only).

(R. M. JOSHI)
Judge

sjk