



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 865 OF 2024

1) Mayur Ashok Waman
2) Aadesh Ashok Waman

VERSUS

The State of Maharashtra

...

Advocate for Applicant : Mr. Vinod Y. Bhide

APP for Respondent: Mr. S.P. Sonpawale

.....

CORAM : SHIVKUMAR DIGE, J.

DATED : 1st JULY, 2024.

PER COURT :-

1. The applicants apprehend arrest in connection with crime No.150 of 2024 registered with Ghargaon police station, district Ahmednagar, for the offences punishable under sections 326, 324, 327, 354, 323, 504, 506, 143, 147, 148, 149 of I.P.C. and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. It is the prosecution's case that the informant had lodged the complaint with the police on 19.4.2024 alleging that on 18.4.2024, at around 4.15 p.m. the applicants alongwith co-accused Avinash and others outraged the modesty of his daughter by pulling her hands. Thereafter, the applicants and other co-accused assaulted his nephew when they confronted about the said act to them. It is

alleged that at around 6.15 p.m. when the informant was in his home, co-accused Suman Ugale called him behind the house of the complainant in the open ground and at that place, there was a scuffle between the people alongwith the co-accused Suman and the informant. There the co-accused assaulted the informant with spade and iron rod whereas the applicants assaulted the first informant with fist and kick blows. It is alleged that around 50 to 60 people were gathered at the time of said incident.

3. It is the contention of the learned counsel for the applicants that at the time of incident, the applicants were not present at the spot of incident. Their names have been falsely implicated in this case. Learned counsel further submitted that the custodial interrogation of the applicants is not required as the allegations against the applicants are that they assaulted the first informant and his nephew with fist and kick blows. Hence he requested to allow the application.

4. It is the contention of the learned APP that the applicants had outraged the modesty of the victim by pulling her hands and thereafter they beaten the cousin of victim under the guise to settle the matter. The first informant and his relatives were beaten by the applicants and other co-accused persons. The custodial interrogation

of the applicants is required. Hence he requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. The allegations against the applicants are that they outraged the modesty of the victim by pulling her hands and they assaulted the cousin of victim and the first informant. Considering the allegations made against the applicants, their custodial interrogation is not required. Hence I pass the following order :-

ORDER

The application is allowed by confirming the interim protection granted to the applicants by order dated 27.05.2024 on the following condition.

(a) The applicants shall attend the concerned police station as and when required by the Investigating Officer.

(SHIVKUMAR DIGE, J.)

rlj/