



(1)

902aba917.24

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

902 ANTICIPATORY BAIL APPLICATION NO. 917 OF 2024

VISHAL MADHUKAR DHAS

....Applicant

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

.....Respondent

Mr. Vinayak P. Narwade, Advocate for the applicant
Mrs. M. S. Sangit, APP for the respondents/State
Mr. A. B. Chormal, Advocate for respondent No.2

CORAM : KISHORE C. SANT, J.

DATE : 01st AUGUST, 2024

P. C.

1. Heard the parties for long.
2. This application is for release of the applicant on the bail in the event of his arrest in connection with FIR No. 0177/2024 registered with Belwandi Police Station, Dist. Ahmednagar on 02-05-2024 for the offences punishable under Section 354, 354-D, 506 and 341 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual

Offence Act, 2012.

3. It is alleged in the FIR that victim girl of 15 years of age was harassed by the applicant. On 24-04-2024 at around 12.00 noon it is alleged that the applicant told the victim that he loves her and asked her to accompany him, otherwise he would defame the victim. Second incidence is alleged on 29-04-2024 at 07.30 am. In this incident it is alleged that when the victim was going to school, the applicant came near her on a motorcycle and obstructed her and again expressed his love for victim. He also hold the hands of the victim asking her to sit on motorcycle.

4. The applicant approached the learned Additional Sessions Court, Shrigonda for bail. His application bearing Criminal Misc. Application No.317/2024 came to be rejected by order dated 29-05-2024. Thus, the applicant is before this court.

5. This court by order dated 04-06-2024 granted ad-interim relief by issuing notice to other side.

6. It is the submission of the learned advocate for the applicant that nature of the offence is not serious. Maximum punishment provided is only for five years. The applicant is falsely implicated as there was a complaint filed by this applicant against the relative of the informant. It is also his case that he was on duty on 24-04-2024. Though the incident alleged is on 24-04-2024 and 29-04-2024, FIR is lodged on 02-05-2024. This creates doubts about the complaint.

7. Learned APP vehemently opposed the application. She relied upon the order passed by the Hon'ble Apex Court in Criminal Appeal No.1834/2022 in the case of Sumitha Pradeep Vs Arun Kumar C. K. and Anr. The Hon'ble Apex Court in the said case had cancelled the bail granted by the High Court. It is held that custodial interrogation is not necessary is no ground to allow the application for bail. In the said case allegations were under Sections 7, 9 and 11 of the POCSO Act. The victim was sexually assaulted by her uncle. Allegations in the said case

were serious in nature.

8. Learned advocate for respondent for respondent No. 2 as well as learned APP submit that the accused even after filing the application for bail in the trial court, threatened the father of the victim and therefore again NC was filed against the applicant for the offences punishable under Sections 504 and 506.

9. It is seen that punishment is only for 5 years. The offence has taken place long back. After grant of ad-interim relief, there is no complaint of misuse of the liberty at the hands of the applicant. There is also no complaint that he has breached any of the conditions imposed by this court by its order dated 04-06-2024.

10. Considering all above, this court is inclined to allow the application on certain conditions. Hence the following order:-

ORDER

i] The applicant shall be released on bail in the event of his arrest in connection with FIR No. 0177/2024 registered with Belwandi Police Station, Dist. Ahmednagar on 02-05-2024 for the offences punishable under Section 354, 354-D, 506 and 341 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offence Act, 2012, on furnishing PR bond of Rs.15,000/- [Rupees Fifteen Thousand Only] and one solvent surety in the like amount on the following conditions:-

a] The applicant shall not enter into the taluka where the informant is residing and is taking education except for attending the court proceeding and the concerned police station as and when called.

b] The applicant shall not tamper with the prosecution evidence.

(6)

902aba917.24

c] The applicant in any manner shall not try to contact the victim or any of the witnesses or family members.

d] In case any attempt is made to bring pressure on any of the witnesses, the bail shall be liable to be cancelled.

[KISHORE C. SANT, J.]

VishalK/902aba917.24