



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1112 OF 2024

1. Sanghpal Uttam Gaikwad
2. Sachin Uttam Gaikwad
3. Rahul Uttam Gaikwad

VERSUS

The State Of Maharashtra And Another

- Mr. V. S. Wakale h/f Mr. S. G. Ghongade, Advocate for the Applicants
- Mr. M. K. Goyenka, APP for the Respondent/State
- Mr. P. A. Dhakane, Advocate for the Respondent No. 2

CORAM : R.M. JOSHI, J

DATE : SEPTEMBER 30, 2024

PER COURT :

1. When this Court has shown its disinclination to grant relief to Applicant Nos. 1 and 2, learned Counsel for these Applicants seeks withdrawal of Application to their extent.

2. Application stands dismissed as withdrawn to the extent of Applicant Nos. 1 and 2.

3. As far as Applicant No. 3 is concerned, he is apprehending arresting in connection with with C.R. No. 171/2024 registered with Satara Police Station, Dist. Chhatrapati Sambhajinagar for the offences punishable

under Sections 326, 324, 323, 143, 504 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act.

4. First information report indicates that incident had occurred on 16.04.2024¹ in which the informant and witnesses were assaulted with iron rod by co-accused. As far as present Applicant is concerned, the allegation against him is of use of fist and kick blows.

5. Learned Counsel for Applicant submits that this Applicant has no criminal history and considering the fact that there were disputes between the parties, the possibility of false implication is not ruled out. He submits that owing to the role attributed to this Applicant, it is a fit case for grant of anticipatory bail.

6. Learned APP opposed the application by citing seriousness of the crime so also the application of the provisions of the POCSO Act.

7. Perusal of the FIR as well as the statement of the minor girl does not indicate that the offence under

the POCSO Act can get attracted against present Applicant. There is no allegation against him for causing assault or use of any weapon. Owing to the allegations in FIR, the offence under Section 326 IPC and the provisions of POCSO Act may not get attracted. He has no criminal history behind him. As such, application is partly allowed by confirming interim order dated 05.07.2024 *qua* Applicant No. 3 - Rahul Uttam Gaikwad.

(R.M. JOSHI, J.)