



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

950 ANTICIPATORY BAIL APPLICATION NO. 1240 OF 2024

1. Shivaji @ Shivshankar Amrutrao
Waghmare
2. Rameshwar Mahadev Waghmare ...Applicants

Versus

The State of Maharashtra and another ...Respondents

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Advocate for Applicant : Mr. Dhananjay S. Patil h/f Mr. N.B. Khandare
APP for Respondent No.1: Mr. P.K. Lakhotiya
Advocate for Respondent No.2 : Mr. H.V. Tungar

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CORAM : SHIVKUMAR DIGE, J.
DATED : 26th SEPTEMBER, 2024.

PER COURT :-

1. The applicants apprehend arrest in connection with crime No. 208 of 2024 registered with Talwada Police Station, district Beed, for the offences punishable under Sections 354, 324, 323, 504, 506, r.w. 34 of I.P.C., under Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012 and under Sections 3(1)(r)(s), 3(2)(va), 3(1)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is prosecution's case that on 16.6.2024, when the informant and her husband returned from work, at that time, her 11 years daughter was crying and she informed that applicant No.1 called her

and pressed her breast. He gave her Rs.10/- and said not to disclose the said incident to anybody. Therefore, the informant and her husband went to the house of the applicant No.1 and asked him whey he has committed the said act with her daughter. At that time, the applicants and co-accused assaulted the husband of the informant by fist and kick blows. Accused No.3 Rameshwar threw the brick on the chest of the husband of informant and abused him on their caste and also threatened to kill them.

3. It is contention of the learned counsel for the applicants that the applicants have been falsely implicated in this case due to civil dispute. The matter is settled between the applicants and the informant. They are neighbourers. The allegations against the Atrocities Act are not against the applicants. The informant has given statement to the police stating that due to misunderstanding, she has lodged the complaint against the applicants. Hence, requested to allow the application.

4. It is contention of the learned APP that applicant No.1 has outraged the modesty of minor girl of the informant and thereafter the applicants and other accused persons assaulted on the informant and her husband. It shows the involvement of the applicants in the crime. Considering the allegations against the applicants, their

custodial interrogation is required and requested to reject the application.

5. Learned counsel for respondent No.2 submits that the matter is settled between the informant and the applicants. The informant has no objection to allow this application.

6. I have heard all learned counsel. Perused the F.I.R. and the police papers produced on record. The supplementary statement given by the informant shows that due to misunderstanding she has lodged the complaint against the applicants. It shows that no alleged incident was happened. Considering this fact, the custodial interrogation of the applicants is not required and I pass following order :-

ORDER

(i) The application is allowed.

(ii) In the event of arrest of the applicants in connection with crime No. 208 of 2024 registered with Talwada Police Station, district Beed, for the offences punishable under Sections 354, 324, 323, 504, 506, r.w. 34 of I.P.C., under Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012 and under Sections 3(1)(r)(s), 3(2)(va), 3(1)(w) of the Scheduled Castes and Scheduled Tribes

(Prevention of Atrocities) Act, 1989, the applicants be released on executing personal bond in the sum of Rs.20,000/- each with one surety of the like amount by each of them, on the following condition :-

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

7. It is made clear that the observations made in this order are prima facie in nature only for the purpose of deciding this bail application and the trial court shall not get influenced by the same while concluding the trial.

(SHIVKUMAR DIGE, J.)

rlj/