



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

25 ANTICIPATORY BAIL APPLICATION NO. 1313 OF 2024

Vitthal Pandurang @ Bappa Golhar

VERSUS

The State Of Maharashtra And Others

...

Advocate for Applicant : Mr. Dnyaneshwar Raosaheb Kale

APP for Respondents-State: Mr. P. P. Dawalkar

Advocate for Respondent No.3 : Ms. Sayali Tekale For R. No.3 (Appointed)

...

CORAM : ARUN R. PEDNEKER, J.

Dated : November 11, 2024.

PER COURT :-

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is apprehending arrest in connection with FIR No.620/2024 dated 29/06/2024, registered at Newasa Police Station, Dist. Ahmednagar, for the offences punishable under sections 354, 354-A, 354-B of the Indian Penal Code, under Section 12 of the Protection of Children from Sexual Offences Act, and under Section 3(1)(r)(s), 3(1)(w)(i) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

3] Perusal of the FIR and the victim's statement under Section 164 of the Cr.P.C. indicates that no offence *prima facie* falls under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, and

the learned APP has fairly admitted the same. Regarding the other offences, learned Counsel for the applicant submits that the alleged offence took place on 28/06/2024 when the complainant and her parents were grazing their cattle in the applicant's land and the applicant had objected to the same and the FIR was registered on 29/06/2024 at 8:30 p.m. He further submits that, on the same day, the applicant's mother lodged a non-cognizable offence report against the complainant and her parents concerning the same incident. It is stated that after the complaint of the applicant, as a counter-blast the present offence under Section 354 of the Indian Penal Code has been registered as a counter-blast.

4] Admittedly, the complainant is 16 years, 5 months, and 22 days old. Her statement has also been recorded under Section 164 of the Cr.P.C. Upon perusal of the Section 164 Cr.P.C. statement, it appears that the victim has confined her case to the extent of the applicant having held her from behind. The offences are punishable with five years of imprisonment and there is no allegation that the applicants have not cooperated with the investigation.

5] In view of the above, the application is allowed in the following terms :

i] In the event the applicant is arrested in connection with FIR

No.620/2024 dated 29/06/2024, registered at Newasa Police Station, Dist. Ahmednagar for the offences punishable under Section 354, 354-A, 354-B of the Indian Penal Code, Section 12 of the POCSO Act and Section 3(1)(r)(s), 3(1)(w)(i) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, he shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the police station once a fortnight for a period for four months from today.

iii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

v] Fees of the appointed advocate is quantified at Rs.8000/- (in words rupees eight thousand only), to be paid by High Court Legal Services Sub-Committee, Aurangabad

6] In the event, the applicant violates any of the conditions

specified in this order, it shall be liable to be cancelled.

7] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

8] The application stand disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.