



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1505 OF 2023

Shivshankar Hanmanlu Surkutwar

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....
Mr. Avinash Reddy h/f. Mr. P.P. Uttarwar, Advocate for applicant.
Mr. D.B. Bhange, APP for respondent-State.

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 27th FEBRUARY, 2024

ORDER :

1. Applicant apprehends arrest in C.R. No. 190 of 2023, registered with Dharmabad Police Station, Dist. Nanded, for offences punishable under sections 354 and 354-A of Indian Penal Code.

2. FIR is lodged by informant alleging commission of offence under section 354 of IPC. It is alleged in the FIR that while informant was returning to her home at 7.15 pm, on public road, applicant came to her and asked her to accompany him and caught her hand. Informant then abused him. One person came to her and asked what happened and she disclosed incident to him.

Bhagyawant Punde

3. Heard learned advocate for applicant and learned APP for respondent-State. Perused the investigation papers.

4. It is the case of applicant that he is whistle blower and at his instance several complaints are lodged either to police authorities or to Collector. Therefore, he is falsely implicated in the present crime.

5. Learned APP by relying on investigation papers opposed the application contending that applicant has pressurized eye witness- Digambar Salunke, for which NC is registered against him by said witness.

6. *Prima facie*, there appears substance in the contention of applicant that he is whistle blower and has made several complaints to authorities about illegal businesses going around Dharmabad. Therefore, *prima facie*, possibility cannot be ruled out that applicant is implicated in the present crime. Digambar Salunke does not appear to be an eye witness, but he appears to have reached to the spot of incident after the incident has taken place. In his statement, he has stated that he saw lady abusing one person and therefore he stopped motorcycle and asked her as to what happened and why she is abusing.

Then informant disclosed alleged incident to him.

7. Considering the allegations in the FIR, pre-trial custodial detention and/or interrogation of applicant is not necessary. Application is therefore allowed by confirming interim protection order dated 13th September, 2023.

8. Till filing of charge sheet, applicant shall stay out of Taluka- Dharmabad, Dist. Nanded, and shall attend the concerned police station everyday, between 5 pm to 6 pm.

9. Applicant shall not in any manner tamper and/or influence prosecution witnesses.

[NITIN B. SURYAWANSHI, J.]