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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1851 OF 2023

Sachin Shivaji Nagalbone

APPLICANT

VERSUS

The State of Maharashtra and Others

RESPONDENTS

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Mr. Manikrao L. Wankhade, Advocate for the applicant

Mr. S. D. Ghayal, APP for respondent - State

Mr. Anil H. Dhupe, Advocate for respondent No.3

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 30th JANUARY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No. 330 of 2023 registered with Satara Police Station, Aurangabad for offence punishable under section 354 of the Indian Penal Code and under sections 8 and 12 of the POCSO Act.

2. FIR is lodged by minor victim, aged 16 years, contending that victim and her sister are taking education in Renuka High School, Satara in 9th and 8th Standards respectively. Her father runs a hotel namely "Aamdar Mutton Bhakri". Applicant teachers Marathi subject in the school in which victim is taking education. Applicant frequently used to visit hotel of victim's father for

having food. In August, 2023 applicant had come to the hotel for food. At that time, he had asked victim to accompany him to the side, on the pretext of giving chocolate to her. Victim refused to go with him and disclosed the said incident to her cousin Vikas Chavan, who had given understanding to the applicant. Applicant at that time had tendered apology. On 8th September, 2023, victim's sister told her and her father that before 15 days, applicant had come to their hotel for food and on that day her sister was in the hotel and after having food, applicant called her sister outside the hotel, then on the pretext of giving chocolate, he caught hand of her sister, pulled her to him and tried to embrace her.

3. Heard learned advocate for applicant, learned advocate for informant and learned APP for state. Perused the papers of investigation.

4. According to victim, the incident with her has taken place in the month of August, 2023 and incident with her sister has taken place on 8th September, 2023. FIR is lodged on 10th October, 2023.

5. It is the case of applicant that there were some monetary transactions between himself and father of victim, due to which

he is falsely implicated in the present crime. In support of the said contention, applicant has placed on record screen shots of UPI transactions through which amounts are transferred to the account of victims' father.

6. Learned advocate for informant, by placing reliance on judgment of the Apex Court in Criminal Appeal No. 1834 of 2022 (Sumitha Pradeep V/s Arun Kumar C.K. and Another), has submitted that merely because custodial interrogation of applicant is not necessary, it cannot be a ground to grant anticipatory bail to applicant.

7. Charge sheet in the present crime is filed on 8th December, 2023. Thus, investigation is complete. Considering allegations made in the FIR and the defence sought to be raised by applicant, custodial interrogation and / or detention of applicant, at pre-trial stage, is not necessary, in the facts of the present case. In that view of the matter, application is allowed by confirming the interim protection granted to applicant vide order dated 6th November, 2023.

[NITIN B. SURYAWANSHI]
JUDGE