

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Anticipatory Bail Application No. 63 of 2022

Vaibhav Arun Wagh

Age 36 years, Occ. Agriculture,
R/at. Gaothan, Limtek, Pimpali,
Pune, Maharashtra – 413 102.

...Applicant

Vs.

The State of Maharashtra

(At the instance of Karmala Police Station
Solapur Rural vide C.R. No.846 of 2021)

...Respondent

Mr Mithilesh Mishra i/b. Mr Yuvraj Patil, for the applicant.
Mr Swapnil Pednekar, APP for the respondent/ State.

**Coram: R. N. Laddha, J.
Date: 27 August 2024**

P.C.

This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.846 of 2021, registered at Karmala Police Station, Solapur Rural, for the offences punishable under Sections 354-A, 354-C, 376(2)(n), 376-D, 385, 506 read with 34 of the Indian Penal Code and Section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and *Aghori* Practices and Black Magic Act, 2013.

2. The prosecution claims that the co-accused, pretending to help the prosecutrix, sexually assaulted her and threatened to disclose the intimate details in society. The applicant is accused of

using vulgar language while talking to the prosecutrix and threatening her with consequences if she revealed anything.

3. Mr Mithilesh Mishra, the learned counsel appearing for the applicant, asserts the applicant's innocence and submits that the applicant never had any relations with the prosecutrix and has been falsely implicated in the crime. Accused No.1, the perpetrator of the alleged offence has been arrested and enlarged on bail. The applicant has been under interim protection since 12 January 2022. The applicant has cooperated with the investigating agency, and nothing is to be recovered or discovered from him. The investigation is complete, and a charge sheet has been filed. The applicant is ready and willing to abide by the conditions this Court may impose.

4. Mr Swapnil Pednekar, the learned Additional Public Prosecutor representing the respondent/ State, submits that the offence is severe; however, he acknowledges that the applicant has cooperated with the investigation by attending the police station. Although the investigation is complete and a charge sheet is filed, the learned APP expresses concern about granting pre-arrest bail to the applicant due to the possibility of evidence tampering or witness influence.

5. After reviewing the records, the accusations against the applicant centre around using inappropriate language while speaking to the prosecutrix, being present when the co-accused

allegedly took her indecent photographs and threatening her with grave consequences if she revealed anything. The learned APP, however, acknowledges the applicant's cooperation with the investigation, rendering his custody unnecessary. The investigation has concluded and a charge sheet has been filed. Nothing is to be recovered or discovered at the instance of the applicant. The applicant has been under interim protection for over two years. Suitable conditions can be imposed to address the prosecution's concerns about evidence tampering and witness influence. Hence, the following order:

ORDER

- i) The interim protection granted to the applicant by this Court on 12 January 2022 is made absolute.
- ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence the witnesses.
- iii) The applicant shall cooperate with the jurisdictional Court for the expeditious disposal of the case.

6. The application stands disposed of accordingly.

(R. N. Laddha, J.)