

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

ANTICIPATORY BAIL APPLICATION NO.382 OF 2024

Gorakhnath Bhanudas Darade Applicant

versus

The State of Maharashtra Respondent

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- Mr. Rohit Sawant, Advocate for Applicant.
- Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 09th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.348/2023, dated 28/12/2023, registered with Alandi Police Station, Pimpri-Chinchwad, under sections 354, 354-A, 509, 504, 506 r/w 34 of the Indian Penal Code.
2. Heard Mr. Rohit Sawant, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

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3. The FIR is lodged by the victim herself. She was working as an Emergency Medical Officer. She was assigned duty with Ambulance service. The allegations are that there were two drivers on this ambulance. One of them is the present Applicant and the other one was Shivprasad Sasane. The incident in question against the present Applicant is dated 30/11/2023. It is mentioned that the Applicant was driving the Ambulance and the informant was sitting in Ambulance. They were returning back after attending one patient. At about 01.30 p.m. near Alandi, the Applicant touched her inappropriately and also said something causing outraging her modesty. The informant looked at him angrily but did not say anything. When she came home, she informed this incident to her brother. But they did not make any complaint to the seniors out of fear. The second incident was dated 10/12/2023, but those allegations are against the other driver Sasane.

4. Learned counsel for the Applicant submitted that there was dispute of the informant with both the drivers in respect of

the point from where she was to be picked up and dropped for her duty. The allegations are made falsely to implicate the Applicant because he was not accepting her request to pick her up from her house. He submitted that the Applicant was duty bound to take the Ambulance only to a particular place where the informant was supposed to be present. This was the main dispute. He submitted that the alleged incident had taken place on 30/11/2023 and the FIR is lodged on 28/12/2023. There is hardly any acceptable explanation as to why there was so much delay.

5. Learned APP opposed this application and relied on the statement made in the FIR. She submitted that considering the statement, the Applicant cannot be protected.

6. I have considered these submissions. At this stage, if the allegations are true, then the Applicant will have to face the consequences of his act. However, the important aspect in this matter is that the alleged incident had taken place on

30/11/2023 and the FIR is lodged on 28/12/2023. There is no explanation for that delay except stating that out of fear it was not lodged immediately. The second incident involving the second driver is dated 10/12/2023. Even thereafter the FIR was not lodged, but for both these incidents the FIR is lodged on 28/12/2023. Therefore, some element of doubt is created about the story. It is not proper to comment anything further on this aspect because it would be ultimately a matter for consideration before the Trial Court.

7. In this background and in the background of some issues which have been raised, custodial interrogation of the Applicant is not necessary. It is made clear that the Trial Court at the appropriate stage, shall consider and decide the trial in accordance with law, without being influenced by the observations made in this order.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.348/2023, dated 28/12/2023, registered with Alandi Police Station, Pimpri-Chinchwad, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)