

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

ANTICIPATORY BAIL APPLICATION NO. 482 OF 2024

Satyawan Namdev Lendave

..Applicant

Versus

The State of Maharashtra & Anr.

..Respondents

Ms. Manisha Devkar a/w. Shankar Katkar for Applicant.

Mr. N. B. Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 20 FEBRUARY 2024

PC. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.13 of 2024 registered at Pandharpur Taluka Police Station, Solapur Rural, on 14.01.2024, under sections 354, 341, 323, 504 and 506 r/w. 34 of the Indian Penal Code and U/s.8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard Ms. Manisha Devkar, learned counsel for the applicant and Mr. N.B.Patil, learned APP for the State.

3. The F.I.R. is lodged by one AAA. He has stated that, he has a daughter and a son. His daughter is about 13 years 6 months of age and she is studying in 8th standard. On 13.01.2024, at about

11.00a.m. the informant's daughter came home and she told him that she had gone outside the school gate during recess. At that time, the applicant's brother Adarsh came on a two wheeler and held her hand. She got scared and went back to school. After she narrated this incident to the informant, the informant went near the school. Adarsh was seen there. The informant confronted him and scolded him. Adarsh then left the spot. After that the applicant came there and picked up a quarrel with the informant. It is alleged that, he abused, threatened and assaulted the informant with kicks and fist blows. On this basis the F.I.R. is lodged.

4. Learned counsel for the applicant submitted that, it is a petty incident. The applicant has nothing to do with the incident involving his brother. He came to know subsequently about the incident and getting angry about the informant's scolding his brother, this incident had taken place. The applicant has not committed any serious offence. His custodial interrogation is not necessary.

5. Learned APP relied on the allegations in the F.I.R. to

oppose this application.

6. I have considered these submissions. As rightly submitted by the learned counsel for the applicant, the allegation of commission of offence punishable under POCSO Act are not attracted against the applicant. They are involving his brother Adarsh and the applicant has come on the scene much later. The incident is only about a minor fight in which the applicant is supposed to have given kicks and fist blows to the informant and he is supposed to have abused and threatened him. It is quite clear that the applicant is not concerned with the offence punishable under the POCSO Act. Considering these allegations, the applicant's custodial interrogation is not necessary. The offence alleged against him is not grave or serious. In this view of the matter, the applicant can be protected U/s.438 of the Cr.p.c.

7. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.13 of 2024 registered at Pandharpur

Taluka Police Station, Solapur Rural, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)