

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

ANTICIPATORY BAIL APPLICATION NO.1260 OF 2024

Ganesh Shankar Shinde Applicant
Versus
The State of Maharashtra & Anr. Respondents

Mr. Rupesh A. Zade, Advocate a/w. Priyanka Gupta for the Applicant.

Mr. C.D. Mali, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 06th MAY, 2024

PC. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.229/2024 registered at Baramati City Police Station, District-Pune on 5.4.2024. The FIR is registered under Sections 354-B of IPC, under Sections 8 & 12 of the Protection of Children From Sexual Offences Act and under sections 3(1)(r), 3(1)(s), 3(1)(w)(i) and 3(1)(w)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard Mr. Rupesh Zade, learned counsel for the Applicant and Mr. C.D. Mali, learned APP for the Respondent-State.

3. The FIR is lodged by the victim herself. She has stated that she was belonging to a Scheduled Tribe. On 5.4.2024 at about 4.00 p.m., she was going towards her house with her sister who was 13 years and 10 months of age. At that time, the Applicant came towards them on his two-wheeler. He parked his two-wheeler. He said something humiliating to the informant. He held the hand of the victim's younger sister. He told her to remove her clothes. When the informant intervened, the Applicant held her hand as well and outraged modesty of the informant and her younger sister, who was, as mentioned earlier of the age 13 years and 10 months. In the process, the informant's sister's clothes were torn. He then uttered derogatory words with reference to the informant's tribe. He abused her. The informant gave shouts. Then the Applicant left from that place. After that this FIR is lodged.

4. Learned counsel for the Applicant submitted that this FIR is a fall out of another offence which is registered as C.R.

No.219/2024 at Baramati City Police Station, District-Pune on 2.4.2024 under Section 380 read with 34 of IPC. The present FIR against the Applicant is registered on 5.4.2024 at the same police station. He submitted that C.R. No.219/2024 is lodged by one Rameshwar Chavan, who was the Applicant's driver. Rameshwar Chavan had lodged the FIR on the allegations that some unknown persons had stolen Rs.27,000/- and ornaments from his house. One of the persons was seen by Rameshwar's mother and his name was Munna Pawar from the same village. On these allegations, the FIR is lodged. Copy of the said FIR no.219/2024 is taken on record.

5. Learned counsel for the Applicant submitted that said Munna Pawar was related to the first informant in the present case i.e. C.R. No.229/2024 and therefore to protect him and to put pressure on Rameshwar Chavan, this false FIR is lodged against the present Applicant. He, therefore, submitted that the Applicant be protected by granting anticipatory bail.

6. Learned APP opposed these submissions.

7. I have considered these submissions. The defence raised by the Applicant, at this stage, appears to be far-fetched.

There is no direct relation of Munna Pawar with the allegations against the present Applicant. Similarly even the FIR lodged by Rameshwar Chavan has nothing to do with the present Applicant. Therefore, it is difficult to observe at this stage that the FIR against the present Applicant is lodged as a counter-blast to the FIR lodged by Rameshwar Chavan. The offences are clearly made out in the FIR against the present Applicant. In particular the offences under Sections 3(1)(w)(i) and 3(1)(w)(ii) are clearly made out. Apart from that, the ingredients of Section 354 of IPC are also made out. In this view of the matter, considering the bar under Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Applicant cannot be protected under Section 438 of Cr.P.C.. The Application is accordingly rejected.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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