



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 29 OF 2024

Dheeraj s/o Shravanji Bagde V/s State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. N.D. Dawda, counsel for the applicant.

Mr. Nikhil Josh, APP for the non-applicant/State.

Mr. V.V. Sharma, counsel for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 27/02/2024.

1. Apprehending arrest at the hands of Police in connection with Crime No. 441/2023 registered with Police Station Jalalkheda, District Nagpur for the offence punishable under Sections 354 and 452 of the Indian Penal Code, 1860 and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The applicant is apprehending arrest at the hands of Police as the crime is registered on the basis of report lodged by the victim, who is aged about 14 years. As far as the allegation on 02/11/2023 she had been to the house of one Vasantrao Chaudhary along with her parents. Her uncle was sleeping in the cattle-shed, whereas she was resting in the shed, at that time, the present applicant approached to her and asked her for some 'Kharra' (tobacco mixed nuts). Therefore, she went to bring the said Kharra, at that time, present applicant followed her, caught her and put the

hundred rupees note inside her clothes. On the basis of said report, the Police have registered the crime against the present applicant.

3. Learned counsel for the applicant submitted that this crime is registered due to the political rivalry. He submitted that as far as the allegations are concerned, which are false one. Moreover, the custodial interrogation of the present applicant is not required and therefore, he be protected by granting pre-arrest bail.

4. Learned APP strongly opposed the application on the ground that the offence which is alleged to be committed by the present applicant is of a serious nature, a 14 years girl was subjected for sexual harassment by the present applicant. As far as the election part is concerned, the election is of Gram Panchayat- Banor, whereas the victim is residing of Rampuri, Tahsil Narkhed, District Nagpur. So, she is not at all concerned with the election which was to be held regarding the Gram Panchayat Banor.

5. Mr. Vinay Sharma, learned counsel for the non-applicant No.2/victim endorsed the same contention and submitted that the informant was not at all concerned with any election or any party. He also pointed out that documents which are filed on record regarding the election of village – Banor, and submitted that considering the allegation against the present applicant, the application for grant of pre-arrest bail deserves to be rejected.

6. Having heard learned counsel for the applicant and learned APP for the State, perused the recitals of the FIR and the investigation papers. It reveals from the recitals of the FIR that the complaint lodged by the victim herself that the present applicant not only caught her but also committed an act by putting the hundred rupees inside her clothes, and subjected her for outraging the modesty. Admittedly, the allegations are of serious nature.

7. The investigating officer shall record their reasons and by following the procedure by issuing the notice under Section 41-A of the Cr.P.C. shall proceed with the investigation. The investigating officer shall comply the guidelines issued by the Hon'ble Apex Court in the case of *Satender Kumar Antil V/s Central Bureau of Investigation and another, reported in 2022 LiveLaw (SC) 577*. In view of that, criminal application deserves to be rejected. Accordingly, I pass the following order:

The criminal application is **rejected** and disposed of.

[URMILA JOSHI-PHALKE, J.]