



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.54 OF 2024
(Aniket s/o Jageshwar Kadav and anr. Vs. State of Maharashtra)

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

Court's or Judge's Order

Mr. G. Saoji, Advocate h/f Mr. A.B. Shende, Advocate for the applicants.
Ms T.H. Udeshi, APP for the non-applicant/State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- FEBRUARY 8, 2024.

Apprehending the arrest at the hands of police in connection with Crime No.677/2023 registered under Sections 323, 354, 452, 506(2), 294, 506 r/w Section 34 of the Indian Penal Code, the applicants are seeking pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by the victim on an allegation that on 28/11/2023, victim who is Nurse was subjected for sexual harassment by the co-accused and the present applicants assaulted her and her elder brother by means of fist blows. On the basis of said report, police have registered the crime.

3. Learned counsel for the applicants submitted that as far as allegations against the present applicants are concerned only to the extent that they have assaulted by fists and slaps. Their custodial interrogation is not required. They have cooperated with the investigating

agency, and therefore, ad-interim protection granted in their favour deserves to be confirmed.

4. Learned Additional Public Prosecutor strongly opposed the application on the ground that after they released on ad-interim bail they have threatened the victim as well as the other witnesses. There are criminal antecedents against them. Considering that they have contravened the terms and conditions imposed by this Court, the anticipatory bail application deserves to be rejected.

5. Having heard learned Counsel for both the parties. Perused the investigation papers. During investigation, the Investigating Officer has recorded the statement of the informant as well as other witnesses. The allegation levelled by the victim is supported by the independent witnesses. It further reveals from the reply filed by the learned APP that there is a criminal antecedents against the present applicant as one Crime No.196/2022 is registered against the present applicant. It further reveals that in all 11 offences are registered against the co-accused with whom the present applicants are associated with. After the applicants are protected by granting ad-interim protection one NC report is filed against the present applicant on the basis of report lodged by the Aniket Meshram which shows that after releasing the present applicants on ad-interim anticipatory bail, they have threatened him by saying that why he has disclosed

their mobile numbers to the police and also assaulted him by fists and kick blows. While releasing the present applicants on bail the specific condition imposed on them that they shall not induce, threat or promise to any witnesses, who are acquainted with the facts of the present case. Considering the registration of the NC report it reveals that they have jumped the condition imposed while releasing them on bail. In view of that, the interim protection granted to the present applicants deserves to be cancelled.

6. The application is hereby rejected accordingly.

7. The ad-interim protection granted to the present applicants vide order dated 19/01/2024 is hereby vacated.

(URMILA JOSHI-PHALKE, J.)

**Divya*