



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

CRIMINAL APPLICATION (ABA) NO.67 OF 2024

(Pramod Anandrao Katkojwar Vs. The State of Maharashtra and anr.)

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

Court's or Judge's Order

Mr. M.S. Dube, Advocate for the applicant.
Mr. A.R. Chutke, APP for the State.
Mr. Vivek Awchat, Advocate for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- FEBRUARY 13, 2024.

Heard.

2. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.995/2023 registered with police station Hudkeshwar, Nagpur City for offence punishable under Sections 354, 294, 323 read with Section 34 of the Indian Penal Code, Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. Learned Counsel for the applicant submitted that on 29/12/2023 there was a quarrel between the family members of the present applicant and the family members of the victim. Sister of the present applicant has lodged the report against the family members of the victim alleging that there was a dispute on account of stitching of the clothes and the money was not paid to the sister of the present applicant on 29/12/2023. She further

alleged that she was abused and assaulted by the family members of the informant. On the basis of said report N.C. report was lodged and to give counter blast to the said report, this false complaint is filed by the victim with the false allegations. He further submitted that in the FIR name of the present applicant is mentioned that he has outraged the modesty of the victim, who is below 18 years of age but during the history narrated before the Medical Officer only it is mentioned that 8 to 10 persons came at the spot including two males and other females out of them one person has physically touched the breast of the victim girl and pulled her inner-wears. In a statement under section 164 of the Code of Criminal Procedure, the victim has stated that out of them one person has touched her breast and also pulled her inner-wear. He submitted that the applicant is implicated falsely in the alleged offence merely because he is the relative of Vasudha Digamber Gandharwar, who has lodged the report against the family members of the victim. He submitted that considering the allegations, custodial interrogation of the present applicant is not required. He has already co-operated with the investigating agency by attending the Police Station and also placed on record the copy of the muster roll obtained from the Police Station.

4. Learned Additional Public Prosecutor strongly opposed the application on the ground that the allegations are serious in nature. The custodial interrogation of the present applicant is required and prays for rejection of the

application

5. Learned Counsel appearing for non-applicant no.2 endorsed the same contentions and submitted that the applicant was absconding since the alleged occurrence and if he is released on anticipatory bail he would not be available for trial and trial would be held up. He further submitted that the allegations against the present applicant is of serious nature, who has physically contacted the private part of the victim and subjected her for sexual harassment. The victim is a minor girl, in view of that application deserves to be rejected

6. Having heard the learned Counsel appearing for the parties. Perused the investigation papers. As per the allegations in the FIR, present applicant has outraged the modesty of the victim who is a minor girl by physically touching her breast and pulling her inner wears. Whereas the history narrated to the Medical Officer shows that unknown people i.e eight females and two males tried to pull her hair and two males were touching her breast. In 164 statement she has stated that out of two males one person has touched her breast and pulled her inner wear. Thus, there is a variance in the statements. Moreover considering the nature of the allegations, physical custody of the present applicant is not required as nothing is to be recovered from him. The Investigation paper shows that after releasing the applicant on ad-interim anticipatory bail, he has attended the Police Station and cooperated

with the investigating agency. In view of above, the application for grant of anticipatory bail deserves to be allowed by imposing certain condition. Accordingly, I proceed to pass the following order :

- (i) The application is allowed.
- (ii) In the event of arrest, the applicant – Pramod Anandrao Katkojwar in connection with Crime No.995/2023 registered with police station Hudkeshwar, Nagpur City for offence punishable under Sections 354, 294, 323 read with Section 34 of the Indian Penal Code, Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, be released on anticipatory bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.
- (iii) The applicant shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.
- (iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)