



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

CRIMINAL APPLICATION (ABA) NO.77 OF 2024

(Shivam s/o Sanjay Raut Vs. State of Maharashtra thr. its PSO PS Ladheda, Tq. Ner,
Dist. Yavatmal and another)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. S. P. Bhandarkar, Advocate for Applicant.
Mr. U. R. Phasate, A.P.P. for Non-Applicant No.1/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 4th MARCH, 2024.

Apprehending arrest at the hands of police in connection with Crime No.595/2023 registered with Police Station Ladheda, Tq. Ner, District Yavatmal for the offence punishable under sections 354-A, 354 of the Indian Penal Code and sections 12 and 8 of the Protection of Children from Sexual Offences Act, 2012, the applicant approached this Court for grant of bail.

2. Learned counsel for the applicant Mr. Bhandarkar submitted that there are counter affidavits filed against each other by the parties as far as the allegations are concerned which is subsequent to the report filed by the family members of the present applicant. He further submitted that after granting interim protection the applicant has not misuse the liberty. He has co-operated with the Investigating Agency. Considering the allegations custodial of the present applicant is not required. The offences

alleged are also not punishable more than imprisonment of five years. In view of that the interim protection granted to the present applicant deserves to be confirmed.

3. Learned A.P.P. strongly opposed the application on the ground that serious allegations are made against the present applicant who has outraged the modesty of the victim by touching to her breast and thereby committed an offence. The custodial interrogation of the present applicant is required. He submitted that the victim was also referred for the medical examination. The medical examination report is also on record which shows that the present applicant with intends to outrage a modesty physically touched to her. In view of that the interim protection granted to the present applicant deserves to be rejected.

4. Learned counsel for the victim also endorsed the same contention and submitted that considering the gravity of the offence the application deserves to be rejected.

5. Having heard the learned counsel for the applicant and learned A.P.P. for the State it reveals that the father of the victim has lodged the report alleging that present has outraged the modesty of the victim by pressing her chest. At the same time, the aunt of the applicant has also lodged the report against the family members of the victim. Thus, it is apparent that out of the family dispute the alleged incident has taken place. As far as physical custody is

concerned which is not required. Considering the allegations in view of that the interim protection granted to the present applicant deserves to be confirmed by imposing certain conditions. Accordingly, I proceed to pass following order:

- [i] The application is allowed.
- [ii] In the event of his arrest in connection with Crime No.595/2023 registered with Police Station Ladheda, Tq. Ner, District Yavatmal for the offence punishable under sections 354-A, 354 of the Indian Penal Code and section 12 and 8 of the Protection of Children from Sexual Offences Act, 2012, the applicant – Shivam Sanjay Raut shall be released on anticipatory bail on executing 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 once in a week on Sunday between 10:00 a.m. to 01:00 p.m. and shall co-operate with the Investigating Agency.
- [iv] The applicant shall not induce, threat or promise to any witnesses who are acquainted with the facts of the case.

6. The contravention of the above conditions only to

the cancellation of the bail of the present applicant.

7. The application is disposed of.

JUDGE

NSN