



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

CRIMINAL APPLICATION (ABA) NO. 114 OF 2024

Nitin s/o Motiram Pawar Vs 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. R.V. Gahilot, counsel for the applicant.

Mr. N.R. Rode, APP for the non-applicant/State.

Mr. A.G. Hunge, counsel (appointed) for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 01/03/2024.

1. Apprehending the arrest at the hands of police, in connection with Crime No. 83/2024 registered with Police Station Buldhana City, District Buldhana for the offences punishable under Section 354 of the Indian Penal Code, 1860 and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. The present applicant approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by the victim on an allegation that she got acquaintance with the present applicant and the present applicant was insisting her to communicate with her. Thereafter, she came to know that he is serving in C.I.S.F., and married person, and having children. On 17/01/2024, when she was proceeding towards the grocery shop to purchase grocery, at that time, the present applicant approached to her and insisted her to sit in the vehicle and outraging her

modesty. On the basis of the said report, the police have registered the crime against the present applicant.

3. The learned counsel for the applicant submitted that there was a love affair between the victim and the present applicant which was opposed by her family member and therefore, this false report is filed. Now, the father of the victim has also filed an affidavit due to some misunderstanding the FIR was lodged.

4. The learned APP submitted that considering the gravity of the offence, the application deserves to be rejected.

5. Having heard learned counsel for the applicant and learned APP for the State, perused the investigation papers. It reveals from the WhatsApp Chat and the other document that, out of a love affair, the victim was communicating with the present applicant. Now, the investigation is already completed and the custodial interrogation of the present applicant is not required. Moreover, the affidavit of the father of the victim shows that the FIR was lodged due to some misunderstanding. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a) The criminal application is **allowed**.
- b) In the event of his arrest, in connection with Crime No. 83/2024 registered with Police Station Buldhana City, District Buldhana for the offences punishable under Section 354 of the Indian Penal Code, 1860 and Sections 8 and 12 of the Protection

of Children from Sexual Offences Act, 2012, the applicant **Nitin Motiram Pawar**, shall be released on anticipatory bail, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

- c) The applicant shall attend the concerned Police Station as and when required.
- d) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- e) The fees of the learned appointed counsel be quantified as per the Rules.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]