



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

CRIMINAL APPLICATION (ABA) NO.184 OF 2024
(Devendra @ Kanha Bhimrao Gaikwad 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. M.V. Rai, Advocate for the applicant.
Ms R.V. Sharma, APP for the State.
Ms A. Telang, Advocate for Assist to Prosecutor.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MAY 2, 2024.

Apprehending the arrest at the hands of police in connection with Crime No.1014/2023 registered with Police Station Ramnagar, Wardha for the offences punishable under Sections 354, 354-B, 354-D, 323 and 506(2) of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that there was a love affair between the victim and the present applicant and their marriage was also settled but somehow some discord was there, and therefore, they have decided not to marry. It is alleged that the present applicant was threatening her and was insisting her to perform marriage with him. It is also alleged that on 18.12.2023 at about 5.15 p.m. when she returned home, the present applicant entered inside the room, caught hold her and pulled her towards him and thereby outraged her modesty.

3. Learned Counsel for the applicant submitted that considering the recitals of the FIR, the allegation

appears to be false and vague as there was some discord between them. As far as the custodial interrogation is concerned, which is not required as the only allegation against the present applicant is that he caught hold her and pulled her towards him, so nothing is to be recovered from him. In view of that, the interim protection granted to the applicant deserves to be confirmed.

4. Learned APP strongly opposed the application on the ground that considering the fact that applicant entered in her house and subjected her for outraging her modesty, the application deserves to be rejected.

5. Learned Counsel for non-applicant No.2 also reiterated the said contentions and additionally she submitted that there was no such love affair between the applicant and the informant and if applicant is released on bail he would tamper with the prosecution evidence.

6. I have heard learned Counsel for both the parties. Perused the recitals of the FIR, from which it reveals that initially there was a love affair between them and engagement ceremony was also performed, but somehow there was discord between them, and therefore, it was decided that they will not marry. Out of this discord, this incident appears to be happened. Considering the allegation that the applicant caught hold the victim and pulled her towards him, the custodial interrogation of the present applicant is not required, as nothing is to be recovered from him. As far as the part of the interrogation is concerned which can be taken care of by imposing some

conditions on the present applicant. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) In the event of arrest, the applicant - Devendra @ Kanha Bhimrao Gaikwad in connection with Crime No.1014/2023 registered with Police Station, Ramnagar, Wardha for the offences punishable under Sections 354, 354-B, 354-D, 323 and 506(2) of the Indian Penal Code, 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 not enter into the vicinity of Sharda Nagar, Sindhi Meghe, Wardha till the culmination of the trial.

(iv) The applicant shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)