



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

CRIMINAL APPLICATION (ABA) NO. 275 OF 2024

Mangesh s/o Ramdas Pawar V/s 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. A.S.Mohan, counsel for applicant.

Mr. A.G. Mate, APP for non-applicant/State.

Ms. C.S. Bhute, counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 14/06/2024.

1. Apprehending the arrest at the hands of the Police, in connection with Crime No. 175/2024 registered with Police Station Chikhali, Tahsil Chikhali, District Buldhana for the offences punishable under Sections 354-D and 506 of the Indian Penal Code, 1860 and Section 12 of the Protection of the Children from Sexual Offences Act, 2012, the present applicant approached this Court for grant of pre-arrest bail.

2. As per the allegation on 01/03/2024 when the victim was proceeding towards her house after appearing for the examination, the applicant followed her with sexual intent and sexually harassed her. It is alleged that the applicant has given her some obscene signals. On the basis of said report, the police have registered the crime against the present applicant.

3. Learned counsel for the applicant submitted that as far as the offence under Section 354-D of the IPC is concerned, which is a bailable one. The recitals of the FIR nowhere describe the act of the present applicant, as far as the custodial interrogation is concerned, is not required as the investigation has practically completed and prays for confirmation of the ad-interim protection.

4. Learned APP and learned appointed counsel for the non-applicant no.2 strongly opposed the said application on the ground that there are criminal antecedents against the present applicant, as one more offence is registered against the present applicant. Considering the fact that the applicant has followed her with sexual intent and gave obscene gestures therefore, his custodial interrogation is required.

5. After hearing learned counsel for the applicant, learned APP for the State, and learned appointed counsel for the non-applicant No.2/Victim, perused the recitals of the FIR and the subsequent statement of the victim recorded under Section 164 of the Cr.PC. Admittedly, she has not described regarding the gesture which was given by the present applicant. From the investigation papers, it shows the investigation is practically completed. As far as the criminal antecedents is concerned, mere criminal antecedents is not sufficient to deprive him from his liberty. In view of that, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order:

ORDER

- a] The criminal application is allowed.
- b] In the event of her arrest, in connection with Crime No. 175/2024 registered with Police Station Chikhali, Tahsil Chikhali, District Buldhana for the offences punishable under Sections 354-D and 506 of the Indian Penal Code, 1860 and Section 12 of the Protection of the Children from Sexual Offences Act, 2012, the applicant – **Mangesh s/o Ramdas Pawar**, shall be released on anticipatory bail, on executing P.R. Bond 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 for investigation purpose and shall cooperate with the investigating agency.
- 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 appointed counsel be quantified as per Rule.

The criminal application is disposed of.

[URMILA JOSHI-PHALKE, J.]