



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

CRIMINAL APPLICATION (ABA) NO. 287 OF 2024

Ghansham s/o Mangru Sardare 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. R.M.Daga, counsel for the applicant.

Mrs. H.N.Prabhu, APP for the non-applicant/State.

Ms. Radha M. Mishra, counsel (appointed) for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 28/06/2024.

1. Heard.
2. Apprehending the arrest at the hands of Police, in connection with Crime No. 52/2024 registered with Police Station Kurkheda, District Gadchiroli for the offences punishable under Sections 354-A of the Indian Penal Code, 1860 and Sections 8, 10, 12 of the Protection of Children from Sexual Offences Act, 2012.
3. The learned counsel for the applicant submitted that, as far as the allegations are concerned, which are to the extent that the applicant has asked some vulgar questions to her and thereafter hold her hand, and pressed her breast. On the basis of said report, the police have registered the crime against the present applicant. He submitted that, after he was released on ad-interim anticipatory bail, he had cooperated with the investigating agency. Now, the investigation is already completed and charge-sheet is filed, the custodial

interrogation of the present applicant is not required. He submitted that, even assuming the allegations as it is, no purpose would be served by keeping the applicant behind the bar. In view of that, the interim protection granted to the present applicant deserves to be confirmed.

4. The learned APP strongly opposed the said application on the ground that the offence is of a serious nature, and his custodial interrogation is required for investigation purpose. The learned appointed counsel also endorsed the same contention.

5. Perused the recitals of the FIR and considered the submissions of both the sides. From the perusal of the contents of the FIR, it reveals that applicant has asked some vulgar questions to her and thereafter, touched her breast and outraged her modesty. Considering the fact, now the investigation is completed and the charge sheet is filed, it further appears that after releasing him on ad-interim anticipatory bail, he has cooperated with the investigating agency. The custodial interrogation of the present applicant after filing of the charge-sheet is not required, in view of that, the ad-interim protection granted to the present applicant deserves to be confirmed on similar terms and conditions. In view of that, I proceed to pass the following order;

- a. The criminal application is allowed.
- b. The interim protection granted to the present applicant by order dated 09/05/2024 is

confirmed with the similar terms and conditions.

- c. The fees of the appointed counsel be quantified as per the Rule.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]