



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

CRIMINAL APPLICATION (ABA) NO.355 OF 2024

(Amol Khiru Rathod Vs. State of Maharashtra and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.S. Sheikh, Advocate for the applicant.
Ms S. Thakur, APP for the State.
Ms S.K. Phaltankar, Advocate for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 21, 2024.

Heard.

2. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.74/2024 registered with Police Station Bitargaon, District Yavatmal for the offence punishable under Sections 363, 366-A, 376(ii)(n) of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Learned Counsel for the applicant submitted that the other co-accused against whom the allegations of sexual assault are made is already arrested. As far as present applicant is concerned only allegation is to the extent of abetment to the co-accused. Considering the allegations against him, his custodial interrogation is not required and therefore, he be protected by granting anticipatory bail.

4. Learned Additional Public Prosecutor and learned Counsel for non-applicant No.2 strongly opposed the application on the ground that the present applicant and the other co-accused took the victim girl from the lawful custody of her parents and thereafter co-accused has subjected her for sexual assault. In view of that, custodial interrogation of the applicant is required, and therefore, the prayer for grant of anticipatory bail deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that it was the victim who left the house at her own accord and came out of the house and thereafter joined the company of the co-accused. As far as the present applicant is concerned only allegation is that the applicant was along with the co-accused when they are proceeded on their motorcycle and the victim was along with the co-accused. As far as the allegation of the sexual assault are concerned which are against the co-accused. Considering the role of the present applicant, his custodial interrogation is not required. In view of that, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) In the event of arrest, the applicant – Amol Khiru Rathod in connection with Crime

No.74/2024 registered with Police Station Bitargaon, District Yavatmal for the offence punishable under Sections 363, 366-A, 376(ii)(n) of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, be released on anticipatory bail on executing a 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 as and when required for the investigation purpose and shall cooperate with the investigating agency.

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

6. The application is disposed of.

7. The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)