



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

CRIMINAL APPLICATION (ABA) NO. 430 OF 2024

Dr. Avinash s/o Sitaram Solanki 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. R.M. Daga, counsel for the applicant.

Mr. S.S. Hulke, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 12/07/2024.

1. By this application, the applicant is seeking pre-arrest bail, in connection with crime No. 437/2024 registered with Police Station Buldhana (City) for the offence punishable under Sections 354, 354(D) of the Indian Penal Code, 1860.

2. The crime is registered on the basis of the report lodged by the victim who is a Medical Practitioner and was doing an apprenticeship at the District Woman Hospital, Buldhana. The present applicant is also a Medical Practitioner. It is alleged that with sexual intent, the present applicant has asked her to sit in his vehicle, and on her denial, he hold her hand and pressurized her to come alongwith him and also used abusive language. On the basis of said report, police have registered the crime against the present applicant.

3. Learned counsel Mr. R.M. Daga for the applicant submitted that FIR is lodged after 18 days of the incident,

and there is no explanation for the delayed FIR. He submitted that after the applicant is protected by granting interim protection, he has cooperated with the investigation by attending the police station. As far as further custody of the present applicant is not required, in view of that the interim protection granted to him be confirmed.

4. He also placed reliance on directions issued by the Hon'ble Apex Court in the case of ***Satender Kumar Antil Versus Central Bureau Of Investigation & Anr reported in 2022 LiveLaw (SC) 577***, and submitted that as the alleged offences are punishable with less than seven years, the investigating officer is under obligation to issue the notice under Section 41 of the Cr.P.C. which is not complied by the investigating officer. On that ground also, the applicant is entitled for grant of bail.

5. Learned APP strongly opposed the said application on the ground that the victim, who is a Medical Officer serving in a Government Medical College subjected her for sexual harassment. In view of that, application deserves to be rejected.

6. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers as well as recitals of the FIR, from which it reveals that as far as the custodial interrogation is concerned, which is not required, the mobile phone is already seized by the investigating agency. The applicant has also attended the

concerned Police Station and there is no complaint regarding the cooperation. Considering the same, interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order:

- a) The ad-interim protection granted to the present applicant dated 20/06/2024 is confirmed with similar terms and conditions by modifying the condition that applicant shall attend the concerned Police Station as and when required for investigation purpose.
- b) The criminal application is disposed of.

[URMILA JOSHI-PHALKE, J.]