



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

CRIMINAL APPLICATION (ABA) NO.503 OF 2024

(Akhil s/o Vasant Amte and anr. 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

Ms S.H. Bhagat, Advocate for applicants.
Mr. A.V. Palshikar, A.PP for the State.
Ms C.S. Bhute, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- OCTOBER 4, 2024.

By this application, the applicants are seeking pre-arrest bail in connection with Crime No.326/2024 registered with Police Station Ramnagar, Chandrapur, District Chandrapur for the offences punishable under Sections 354-A, 354-B, 509 read with Section 34 of the Indian Penal Code and Sections 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned Counsel for the applicants submitted that due to the previous dispute, the crime is registered against the present applicants on an allegation that 12 years small girl was subjected for outraging the modesty by the present applicants on 21/03/2024.

3. Learned Counsel for the applicants submitted that applicant No.2 has made a representation before the Superintendent of Police, Chandrapur that the victim has made a false complaint of outraging the modesty of the victim. She submitted that as far as the custodial interrogation of the present applicants is concerned which

is not required. In view of that, they be protected by granting ad-interim protection. As far as applicant No.2 is concerned except the abuses there is no other allegation made against her. In view of that, she be protected by granting ad-interim protection.

4. Learned APP and learned Counsel for non-applicant No.2 strongly opposed the application on the ground that from the recitals of the FIR it reveals that the applicant No.1 has not only hold her but attempted to disrobe her by removing her top. Thus, considering the act attributed to the present applicant No.1, prayer for grant of ad-interim 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 applicant No.1 has attempted to disrobe the victim. In the said incident, the victim was having abrasion i.e on the right side of the neck. From her statement, applicant No.1 has hold her and pulled her towards him and attempted to remove her top. Thus, *prima facie* case is made out against applicant No.1. The allegation against applicant No.1 is under the provisions of Section 354-A and 354-B of the IPC is made out. As far as applicant No.2 is concerned except the abuses there is no other allegation. In view of that, interim protection granted to applicant No.2 deserves to be confirmed. Accordingly, I proceed to pass the following order :

- (i) The application is partly allowed.

(ii) The application of applicant No.1 for grant of anticipatory bail is hereby rejected.

(iii) In the event of the arrest, applicant No.2 – Sanjana @ Nuri Akhil Amte in connection with Crime No.326/2024 registered with Police Station Ramnagar, Chandrapur, District Chandrapur for the offences punishable under Sections 354-A, 354-B, 509 read with Section 34 of the Indian Penal Code and Sections 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012, be released on anticipatory bail on executing P.R. bond in the sum of Rs.25,000/- with one surety in the like amount.

(iv) Applicant No.2 shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(v) Applicant No.2 shall not induce, threat or promise any witnesses in any manner who are acquainted with the facts of the case.

6. The application is disposed of.

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

(URMILA JOSHI-PHALKE, J.)