



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

CRIMINAL APPLICATION (ABA) NO.643 OF 2023

Gokul s/o Sheshrao Rathod

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Nandgaon Khandeshwar, District Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. T. U. Tathod, Advocate for applicant.
Mrs. M. A. Barabde, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 22/02/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.352 of 2023, registered with non-applicant-Police Station for the offences punishable under sections 354, 354-B, 323, 504 and 506 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by the victim on an allegation that the applicant is residing along with his family members in her neighbour. On 24.08.2023 at about 6.00 p.m., when her son returned from the agriculture field, the applicant came in front of her house and called her son and alleged that why he is harassing his niece and started abusing him and, thereafter, outraged her modesty.

On the basis of said report, police have registered the crime.

3. Mr. Tathod, learned Counsel for the applicant submitted that the cross-complaint is also filed by one Sheetal Dahedar alleging that the son of the informant harassing her and in the said quarrel the mother of the present applicant has intervened and, therefore, he is implicated falsely. He submitted that now, the investigation is completed and charge-sheet is filed. The incarceration of the present applicant is not required and, therefore, the interim protection granted to the present applicant deserves to be confirmed.

4. Learned APP strongly opposed the application on the ground that considering the serious allegation against the present applicant, who has outraged the modesty of the victim, his custodial interrogation is required and prays for rejection of the application.

5. After hearing the learned Counsel for the applicant and learned APP for the State, it appears that due to the dispute between the parties, who are neighbours, these both FIRs lodged alleged to be filed. As far as the custodial interrogation is concerned, which is not required as investigation is already completed and charge-sheet is also filed. In view of that, the interim protection granted to the

present applicant deserves to be confirmed.
Accordingly, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) In the event of arrest, the applicant **Gokul s/o Sheshrao Rathod** be released on anticipatory bail on furnishing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount, in Crime No.352 of 2023, registered with non-applicant-Police Station for the offences punishable under Sections 354, 354-B, 323, 504 and 506 of the Indian Penal Code.

(iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The applicant is disposed of.

(URMILA JOSHI-PHALKE, J.)