



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

CRIMINAL APPLICATION (ABA) NO.727 OF 2024

Prasad @ Gokul Subhash Yawalkar

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Brahmanpuri, District Chandrapur and another

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

Court's or Judge's orders

Mr. M. N. Ali, Counsel for the applicant.

Mr. S. A. Ashirgade, APP for non-applicant No.1 /State.

Ms. Sweety Bhatia, appointed Counsel for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 13/12/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.431/2024 registered with Police Station, Brahmapuri, District Chandrapur for the offence punishable under Section 74, 75 of Bharatiya Nyaya Sanhita, 2023 and under Sections 8, 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 67 of the Information Technology Act, 2000, the applicant approached this Court for grant of anticipatory bail.

2. Learned Counsel for the applicant submitted that the crime is registered on the basis of the report lodged by victim aged about 17 years and 9 months, alleging that she is studying in 12th Standard and the applicant is related to her. On 16/09/2024, at about 8.40 p.m. when she was

proceeding from the Ramabai Chowk, at the relevant time, the present applicant restrained her, abused her in a filthy language, and outraged her modesty. He submitted that as far as the allegations are concerned, which are false allegations only to implicate the present applicant in the alleged offence. He submitted that now the investigation is already completed, charge-sheet is filed and custodial interrogation of the present applicant is not required. In view of that, the application deserves to be allowed.

3. Learned APP for the State and learned Counsel for the respondent No.2 – victim, strongly opposed the said application and submitted that the victim is under tremendous pressure due to the said incident and if the applicant is released on bail, in the event of arrest, there is likelihood of further offence will be happened at the hands of the present applicant. In view of that, the application deserves to be rejected.

4. After hearing learned Counsel for the applicant and learned APP for the State, perused the recitals of the FIR as well as the investigation papers it reveals that in the filthy language the victim was abused by the present applicant, however considering the punishment provided for present offence and the offence of stalking is made out against the present applicant for which the punishment up three years

imprisonment is provided. As far as the custodial interrogation is concerned, considering now the investigation is completed, it is not required. However, at the same time, it is necessary to see the conduct of the present applicant and therefore, some stringent conditions require to be imposed. In view of that, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest, the applicant **Prasad @ Gokul Subhash Yawalkar**, shall be released on anticipatory bail, in connection with Crime No.431/2024 registered with Police Station, Brahmapuri, District Chandrapur for the offences punishable under Sections 74, 75 of the Bharatiya Nyaya Sanhita, 2023 and Sections 8, 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 67 of the Information Technology Act, 2000, on executing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall not enter into the vicinity of village Malewada, Taluka Kurkheda, District Gadchiroli, till the culmination of the trial.
- (iv) The applicant shall attend the Brahmapuri Police Station twice in a week on Monday and Thursday between 10.00 a.m. to 1.00 p.m. and the Investigating Officer shall record his presence.

(v) The applicant shall not induce, threat or promise any witnesses including the victim either physically or through anybody or through electronic media.

(vi) The single incident of threatening or pressurizing the witnesses would lead to the cancellation of bail.

5. The fees of the appointed Counsel be quantified a per rules.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)