



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

CRIMINAL APPLICATION (ABA) NO.722 OF 2023

(Sanjay Rama Devsarkar and anr. Vs. The 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. Imran Deshmukh, Advocate for the applicants.
Mr. A.R. Chutke, APP for the State.
Ms C.S. Bhute, Advocate (appointed) for non-applicant No.2.

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

Heard.

2. By this application, the applicants are seeking pre-arrest bail in connection with Crime No.610/2023 registered with Police Station Umarched, District Nagpur for the offence punishable under Sections 354, 354-D, 323, 324, 504 and 506 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. The accusation against the present applicants are on the basis of report lodged by victim who is 14 years of age who is studying in Sakhali Vidyalaya, Umarched in 9th standard. The co-accused Mahesh Sanjay Devsarkar is residing at her neighbourhood. From last one year he is following her and expressing that he loves her and she should communicate with him. On 25/09/2023, when her parents left the house to attend the work and she was present along with her grandmother. She was proceeding

towards the tailor to bring her cloths along with her grandmother. At that time, present applicants along with the co-accused restrained her. The co-accused outraged her modesty whereas the present applicant caught hold her and co-accused assaulted her. On the basis of said report, police have registered the crime against the present applicant.

4. Learned Counsel for the applicants submitted that as far as the present applicants are concerned who is the father and the brother of the co-accused are implicated falsely with the false allegations. Even accepting the allegations as it is their custodial interrogation is not required as only allegation against them is that they caught hold the victim and the co-accused assaulted her. He submitted that the applicants are ready to cooperate with the investigating agency. In view of that the applicants be released on pre-arrest bail.

5. Learned Additional Public Prosecutor and learned Counsel for respondent No.2 strongly opposed the application on the ground that in furtherance of common intention, the co-accused has outraged the modesty of the victim who is only 14 years of age and the present applicants caught hold her and the co-accused has assaulted her. Considering the allegations against the present applicants, the application for grant of anticipatory bail deserves to be rejected.

6. Having heard learned Counsel for the parties. Perused the investigation papers. From the investigation papers it reveals that the only allegations against the present applicants that they have caught hold the victim and the co-accused assaulted her. As far as the custodial interrogation is concerned which is not required. Moreover, from the investigation papers, it reveals that the investigation is practically completed and the custodial interrogation of the present applicants is not required. Considering the allegations as it is, as the custodial interrogation of the applicants is not required, the prayer of the present applicants for grant of anticipatory bail deserves to be considered. Accordingly, I proceed to pass the following order :

- (i) The Criminal Application is allowed.
- (ii) In the event of arrest, the applicants –
(1) Sanjay Rama Devsarkar and (2) Shubham @ Vijay Sanjay Devsarkar in connection with Crime No.610/2023 registered with Police Station Umarkhed, District Nagpur for the offence punishable under Sections 354, 354-D, 323, 324, 504 and 506 of the Indian Penal Code and Sections 8 and 12 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/- each with one solvent surety each, in the like amount.

(iii) The applicants shall not enter into the vicinity i.e. village Nagapur (Rupala), Tahsil Umarkhed, District Yavatmal till the culmination of the trial.

(iv) The applicants shall furnish their address where they would reside after releasing them on anticipatory bail along with the address proof.

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

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*