



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

CRIMINAL APPLICATION (BA) NO.1151 OF 2024
(Ashutosh Gangadhar Gedam 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

Mr. Y. Dhande, Advocate for the applicant.
Mr. S.A. Ashirgade, Addl.PP for the State.
Mr. Gajanan Bhusari, Advocate for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- DECEMBER 18, 2024.

Heard.

2. By this application, the applicant is seeking bail as he came to be arrested on 09/08/2024 in connection with Crime No.304/2024 registered with police station Ralegaon, District Yavatmal for the offence punishable under Sections 74, 78 and 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. The crime is registered on the basis of report lodged by the victim girl on an allegation that she is aged about 16 years and 5 months and taking education. The present applicant who was auto rickshaw driver was harassing her and without her consent he was trying to develop the relationship with her. Though she has shown her disinterest he has hold her hand and also threatened her that if she declines to his offer he will kill her by

pouring the petrol on her. On the basis of the said report, police have registered the crime against the present applicant.

4. Learned Counsel for the applicant submitted that with the false and baseless allegation the applicant was arrested. Now, investigation is completed and charge-sheet is filed, further incarceration of the applicant is not required. He further submitted that there was a love affair but the same was opposed by the parents, and therefore, false FIR is lodged. Considering the same, he be released on bail.

5. Learned APP and learned Counsel for non-applicant No.2 strongly opposed the application and submitted that considering the threatening given by the present applicant to the victim there is likelihood of occurrence of the grievous incident. It is further submitted that the applicant though victim has shown the disinterestedness forcefully tried to communicate with her and if he is released on bail he would again repeat the similar activities. In view of that, the application deserves to be rejected.

6. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that the statement of the victim is to the extent that he has outraged the modesty of victim by holding her

hand. Considering the allegation now investigation is already completed and charge-sheet is filed. At the same time, the apprehension raised by the learned APP requires to be taken into consideration, and therefore, some conditions requires to be imposed on the present applicant. Accordingly, I proceed to pass the following order:

- (i) The application is allowed.
- (ii) The applicant – Ashutosh Gangadhar Gedam in connection with Crime No.304/2024 registered with police station Ralegaon, District Yavatmal for the offence punishable under Sections 74, 78 and 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, be released on bail 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 Ashta, Taluka Ralegaon, District Yavatmal till culmination of the trial.
- (iv) The applicant shall attend the proceedings before the Special Court without seeking any exemption unless there are exceptional circumstances.

(v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case and shall not communicate with the victim in any manner either personally or by way of electronic media.

(vi) A single instance of communication or attempt to communicate would lead to the cancellation of bail.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*