



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

CRIMINAL APPLICATION (ABA) NO. 753/2023

Maroti s/o Badri Chavhan V/s State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.V.Sirpurkar, counsel for the applicant.
Ms. Trupti Udeshi, APP for non-applicant/State.
Ms. Anupritra S. Mishrikotkar, counsel (appointed) for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 14/02/2024.

1. Apprehending arrest at the hands of police, in connection with Crime No632/2023 registered with Digras Police Station, District Yavatmal for the offences punishable under Sections 376, 376(2)(n), 354D, 294, and 506 read with Section 34 of the Indian Penal Code, 1860. 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 7/10/2023 alleging that, from the last six months of lodging of the report, co-accused- Satyam was following her, and he came at her house along with present applicant, other accused and subjected her for sexual assault. The co-accused has also obtained Rs. 80,000/- from her and promised her for marry, and subjected her for sexual harassment from time to time. On the basis of said report, the police have registered the offence against the present applicant and other co-accused.

3. Mr. S.V.Sirpurkar, learned counsel for the applicant submitted that as far as the present applicant is concerned, the only allegation against him that he abated the co-accused to commit the offence. There is no allegation against the present applicant that he has either subjected the victim for sexual assault or sexually harassed her. The custodial interrogation of the applicant is not required. In view of that, ad-interim anticipatory bail granted to him deserves to be confirmed.

4. Learned APP strongly opposed the present application on the ground that the applicant has not attended the concerned police station, since he was released on bail. She further submitted that the applicant is also not found at a given address, and therefore, he is not available for investigation and interrogation purpose. In view of that, the application deserves to be rejected.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers and recitals of the FIR. As far as the present applicant is concerned, the allegation is, only to the extent of abatement to the co-accused for committing the offence. As far as the physical custody of the applicant is concerned, is not required. At the same time, the contention of the learned APP is to be looked into. In view of that, some conditions require to be imposed on the present applicant. Accordingly, I proceed to pass the following order:

- a) The criminal application is allowed.

- b) In the event of his arrest, in connection with Crime No632/2023 registered with Digras Police Station, District Yavatmal for the offences punishable under Sections 376, 376(2)(n), 354D, 294, and 506 read with Section 34 of the Indian Penal Code, 1860, the applicant shall be released on anticipatory bail, on executing P.R. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station and also shall mark his presence before the investigating officer for three days in a week i.e. on 16th, 17th and 18th and thereafter as and when required for the investigation purpose.
- d) The applicant shall also furnish his cellphone number(s) and residential address with address proof before the investigating officer.
- e) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- f) The fees of the appointed counsel be quantified as per the Rules.

The criminal applications is **disposed of**.

[URMILA JOSHI-PHALKE, J.]