



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

CRIMINAL APPLICATION (ABA) NO.776 OF 2023

Devanand Uttam Wakode

Vs.

State of Maharashtra, Through Police Station Officer, Police Station
Hiwarkhed, District Buldhana 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. S. K. Wankhade, Advocate for applicant.
Mrs. M. A. Barabde, APP for respondent No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/02/2024

1. Apprehending arrest at the hands of police in connection with Crime No.207/2023 registered with Hiwarkhed Police Station, District Buldhana for the offences punishable under Sections 354 and 354-A of the Indian Penal Code, 1860, the applicant approached this Court for grant of anticipatory bail.

2. Learned Counsel for the applicant submitted that the apprehension of the applicant is as the crime is registered on the basis of report lodged by the victim, wherein she has alleged that when she was washing the clothes on 25.10.2023 at the Well, at the relevant time, the present applicant came near to her, hold her hand, and insisted her to come along with him with sexual intention. On the basis of said report, the Police have registered the crime.

3. He further submitted that as far as the allegations are concerned, it is the false allegations due to the previous dispute between them. Considering the allegation as it is, the custodial interrogation is not required, as nothing is to be seized from the present applicant. Moreover, the offences alleged are not punishable with imprisonment more than three years. In view of that, the applicant be protected by granting anticipatory bail.

4. Learned APP strongly opposed the present application on the ground that considering the act of the applicant that he hold the hand of the victim with sexual intent and therefore, application deserves to be rejected.

5. Considering the allegations, which are only to the extent that applicant has hold her hand and insisted her to come along with him. The custodial interrogation of the present applicant is not required. Now, various statements are already recorded by the Investigation Officer. 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 his arrest, in connection with Crime No.207/2023 registered with Hiwarkhed Police Station, District Buldhana for the offences punishable under Sections 354, 354-A of the Indian Penal Code, 1860, the applicant- **Devanand Uttam Wakode** be released on anticipatory bail on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety of like amount.

(iii) The applicant shall attend the concerned Police Station as and when required for the investigation purpose.

(iv) The applicant shall not induce, threat or promise to any witness, who are acquainted with the fact of the present case.

(URMILA JOSHI-PHALKE, J.)