



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

CRIMINAL APPLICATION (ABA) NO. 820/2023

Sarthak Ramesh Gawai 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. H.V.Dhage, counsel for the applicant.

Mr. A.R.Chutke, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 05/02/2024.

1. By this application, the applicant is seeking pre-arrest bail, in connection with Crime No. 431/2023 registered with Police Station Khamgaon (Rural), District Buldhana for the offences punishable under Sections 354, 354-A, 354-D, 341 and 506 of the Indian Penal Code along with Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The applicant is apprehending arrest, at the hands of the Police as the crime is registered on the basis of report lodged by the victim, on an allegation that on 11/12/2023 after college, she was proceeding from the road, at that time, the present applicant came on the motorcycle and followed her, hold her hand and outrage her modesty, on the basis of said report police have registered the crime against the present applicant.

3. Learned counsel for the applicant submitted there is no allegation of any non-penetrative sexual assault by the

present applicant, the only allegation is that she was followed by the present applicant. After releasing the applicant on ad-interim anticipatory bail, he has cooperated with the investigating agency, his custodial interrogation is not required and ad-interim protection granted to him deserves to be confirmed.

4. Learned APP strongly opposed the application on the ground that considering the allegation against the present applicant who followed the victim, hold her hand with an intention to outrage her modesty. Hence, custodial interrogation of the applicant is required.

5. Learned appointed counsel endorsed the same contention and prays for rejection of the application.

6. Having heard learned counsel for the applicant, learned APP for the State and learned appointed counsel. The only allegation against the present applicant is of stalking and catching hold of the hand of the victim. In view of that, the custodial interrogation of the applicant is not required. Moreover, the applicant has attended the concerned Police Station and cooperated with the investigating agency. Considering the same, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order:

a) The criminal application is allowed.

- b) In the event of arrest, in connection with Crime No. 431/2023 registered with Police Station Khamgaon (Rural), District Buldhana for the offences punishable under Sections 354, 354-A, 354-D, 341 and 506 of the Indian Penal Code along with Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, the applicant – **Sarthak Ramesh Gawai**, shall be released on ad-interim anticipatory bail on executing PR. bond in the sum of Rs.15,000/- with one solvent surety in the like amount.
- c) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- d) The applicant shall furnish his cellphone number(s) and address with address proof before the investigating officer.
- e) The fees of the learned appointed counsel be quantified as per Rules.

The criminal application is disposed of.

[URMILA JOSHI-PHALKE, J.]