



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

CRIMINAL APPLICATION (ABA) NO.285 OF 2024

(Rajesh s/o Chandraiah Kondra 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. N.D. Dawda, Advocate h/f Mr. A.M. Jaltare, Advocate for the applicant.
Mr. M.J. Khan, APP for the State.
Ms PR. Arbat, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 26, 2024.

Heard.

2. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.286/2024 registered with Police Station Ram Nagar, Chandrapur for the offences punishable under Sections 354 and 354-D of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. The applicant is apprehending arrest at the hands of police in connection with the above said crime as the offences are registered on the basis of report lodged by victim girl, on an allegation that the present applicant has visited her house, knocked the door and communicated with her and thereafter, he used to follow her. She further alleged that in the month of March 2024 by following her, he restrained, hold her hands and sexually harassed her. On the basis of said report, police have registered the crime against the present applicant.

4. Learned Counsel for the applicant submitted that as far as the allegations are concerned, which are false one due to the previous dispute. The applicant has cooperated with the investigating agency after he is protected by granting ad-interim protection.

5. Learned APP and learned Counsel for non-applicant No.2 strongly opposed the application on the ground that the applicant has threatened the victim after he was protected by this Court. Considering the same, the application deserves to be rejected.

6. I have heard learned Counsel for both the parties. Perused the recitals of the FIR from which it reveals that the offence of stalking is made out against the present applicant. Considering the nature of the offence, the custodial interrogation is not required. The extracts of the diary shows that the applicant has attended the concerned police station and cooperated with the investigating agency. In view of that, the interim protection granted to the present applicant deserves to be confirmed. Accordingly I proceed to pass the following order :

(i) The application is allowed.

(ii) In the event of arrest, the applicant – Rajesh s/o Chandraiah Kondra in connection with Crime No.286/2024 registered with Police Station Ram Nagar, Chandrapur for the

offences punishable under Sections 354 and 354-D 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 PR.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iii) The applicant shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.

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

(v) On contravention of the above terms and conditions, the bail granted would be cancelled.

7. The application is disposed of.

8. The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)