



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

CRIMINAL APPLICATION (ABA) NO. 684 OF 2024

Kuldeep Devidas Bharane Vs State of Maharashtra

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 h/f Mr. V.B. Bhise, counsel for the applicant.
Mrs. Shamshi Haider, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : 11/10/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No. 356/2024 registered with Police Station Dahihanda, Akot for the offence punishable under sections 74, 75, 78, 115(2) of the Bhartiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.
2. The crime is registered on the basis of a report lodged by the victim, who is a married lady having two children. It is alleged by her that on 09/09/2024, at about 11.30 to 11.45, when she was sleeping in the house, at that time, the present applicant entered in the house and subjected her for sexual harassment and outraged her modesty. When she shouted, her husband also woke up and attempted to catch the present applicant, but he ran away. On the basis of said report, police have registered the crime against the present applicant.
3. Heard learned counsel, Mr. S.V. Sirpurkar for the applicant, who submitted that there was a love relationship

between the victim and the present applicant, but as husband of the victim has caught them, and therefore, the false FIR is lodged against the present applicant. As far as the custodial interrogation is concerned, which is not required. In view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that the applicant has entered the house of the victim and subjected her for outraging the modesty. Considering the nature of the offence, custodial interrogation of the present applicant is required, in view of that, the application deserves to be rejected.

5. On perusal of the recitals of the FIR and the other investigation papers as well as WhatsApp chats which is submitted before this Court, which shows that there was a relationship between the victim and the present applicant. It was the victim who has sent messages to the present applicant, from which it reveals that there was a relationship between them. As far as the allegation regarding outraging of modesty is concerned, except the statements of the victim, there is no other material to connect the present applicant with the alleged offence. Considering the WhatsApp chats which are produced before the Court, which shows that it was a consensual relationship, and out of that, the alleged incident appears to have occurred. Considering the same, the applicant has made out a case for grant of anticipatory bail. In view of

that, the application deserves to be allowed. Accordingly, I proceed to pass the following order;

- a] The criminal application is **allowed**.
- b] In the event of arrest, the applicant – Kuldeep Devidas Bharane, shall be released on anticipatory bail, in connection with Crime No. 356/2024 registered with Police Station Dahihanda, Akot for the offence punishable under sections 74, 75, 78, 115(2) of the Bhartiya Nyaya Sanhita, 2023, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the concerned police station once in a week on Sunday between 10.00 a.m to 01.00 p.m. and shall cooperate with the investigating agency till filing of the charge-sheet.
- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is disposed of.

[URMILA JOSHI-PHALKE, J.]