



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

51 ANTICIPATORY BAIL APPLN NO. 800 OF 2024

MARUTI S/O. BABASAHEB WAGHMODE
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

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Advocate for Applicant : Mr.N.B.Narwade
APP for Respondent-State : Mr.Ruchir S. Wani
Advocate for Respondent no.3 : Mr.Eklavya Potdar
[appointed]

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**WITH
ANTICIPATORY BAIL APPLICATION NO.803 OF 2024**

PARNESHWAR BABASAHEB WAGHMODE
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...

Advocate for Applicant : Mr.N.B.Narwade
APP for Respondent-State : Mr.Ruchir S. Wani
Advocate for Respondent no.3 [absent] : Mr.Shivraj Kadu
[appointed]

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CORAM : ARUN R. PEDNEKER, J.

DATE : 03.03.2025

P.C. :

1] Heard learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for respondent no.3.

2] The applicants are apprehending arrest in connection with Crime No. 0088/2024, registered with Shevgaon Police Station, Taluka Shevgaon, District Ahmednagar, for the offence punishable under Sections 354, 354D, 341, 325, 324, 323 of the IPC and under Section 11 and 12 of the POCSO Act, 2012.

3] This Court, by order dated 15th May, 2024, has granted interim protection in favour of the applicants for the submissions stated in para no.3, as noted below :

3. The learned counsel for the Applicants submits that there is delay in lodging of the first information report which creates doubt about the correctness of the allegations against the Applicants. According to them, the possibility of false implication is not ruled out. *Prima facie* perusal of the first information report indicates that the alleged incident has occurred on 30th January, 2024 and thereafter the meeting was called on 2nd February, 2024 wherein the incident of assault has also taken place. In spite of the same, the report is lodged on 4th February, 2024.

4] The learned counsel for the applicants submits that the allegation against the applicants co-accused is that the applicants along with other accused have gone to the house of the minor girl (age of 15 years and 2 months), and that they had assaulted the informant, who is the mother of the minor girl and has caused grievous injury to her. He further submits the two incidents dated 30.01.2024 and 02.02.2024 are mentioned in the FIR, however, the FIR is

lodged on 04.02.2024. He further submits that the co-accused, namely, Baburao Waghmode has been arrested and the Sessions Court, by order dated 05.03.2024, has granted bail in favour of the co-accused, namely, Baurao Waghmode. He further submits that the charge sheet is filed in the matter and investigation is completed, therefore, no custodial interrogation of the applicants is necessary as the maximum punishment for the offence as alleged is of 7 years. He further submits that nothing is to be recovered at the instance of the applicants or no further investigation is to be done at the instance of the applicants. Considering the said fact, the interim protection granted by this Court by order dated 15.05.2024 be confirmed.

5] Per contra, the learned APP and the learned counsel for the assisting to P.P. submit that there is direct evidence against the present applicants and they are involved in the alleged crime. The informant i.e. mother of the minor girl has suffered grievous injury in the incident, as such, the interim protection granted earlier be vacated.

6] Having considered the rival submissions, since the investigation in the matter is complete and no meaningful purpose would be served in taking the applicants in custody, more particularly, the co-accused, namely, Baburao Waghmode has been arrested and released on bail by the Sessions Court. Considering the said aspect of

the matter, the interim protection granted by this Court by order dated 15.05.2024 stands confirmed, in the following terms :

i] The applicants shall attend the concerned police station as and when required by the investigating officer.

ii] The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

iv] The applicants shall not visit the village Dindewadi, Taluka Shevgaon, District Ahmednagar, till the conclusion of the trial.

7] In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

8] It is also clarified that the observations made in this order are limited to the disposal of the present

anticipatory bail applications and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9] The applications stand disposed of.

10] Mr.Eklavya S. Potdar, learned counsel appointed by the High Court Legal Aid Services Sub Committee, Aurangabad to represent the cause of respondent no.3, shall be paid fees as per Rules by the High Court Legal Aid Services Sub-Committee, Aurangabad.

[ARUN R. PEDNEKER]
JUDGE

DDC