



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

906 ANTICIPATORY BAIL APPLN. NO.2198 OF 2024

**AJINATH NARHARI NAGARGOJE
VERSUS
THE STATE OF MAHARASHTRA & OTHERS**

...
Advocate for Applicant : Mr.A.V.Thombre
APP for Respondent-State : Mr.B.B.Bhise
Advocate for the respondent no.3 : Mr.S.V.Jadhavar
...

**CORAM : ARUN R. PEDNEKER, J.
DATE : 24.01.2025**

P.C. :

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

2] The applicant is apprehending arrest in connection with Crime No. 0367/2024, registered at Dharur Police Station, District Beed, for the offences punishable under sections 74, 75 (1), 115 (2), 333 and 351 (1) of B.N.S. and under Section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3] The allegations against the applicant are that on 09.12.2024 when the informant was at Sankeshwar Sugar

Factory at Karnataka on that day at about 4.00 p.m. she received phone call of her daughter / victim and she told her that the applicant had been to her house, at that time, the victim sat in her house along with son and daughter of his maternal uncle, at that time, the applicant told her that to give him the key of the house but she refused, then he slapped her. Thereafter she fell down and the key of house also fell down. He took the said key and open the house and also he dragged her into the house and assaulted her by outraging her modesty and the informant threatened her about killing her mother and maternal uncle if she disclosed the said fact to them. On the basis of said allegations, the FIR is lodged against the present applicant.

4] The learned counsel for the applicant submits that the allegations against the applicant are concocted. The learned counsel submits that there are civil disputes between the father of the applicant and the complainant's family. The applicant has filed suit against the complainant in the year 2023. The mother in law of the complainant has filed suit in the year 2022 against the applicant and father and bother of the applicant and the father in law of the complainant has also filed suit against the applicant and family members of the applicant and the same are pending before the CJJD, Dharur. The learned counsel for the applicant submits that criminal cases are also pending between the parties initiated against one another.

5] The learned APP submits that the victim has given statement under Section 164 of the Criminal Procedure Code and police has also recorded the statement of two children under Section 161 of the Criminal Procedure Code.

6] Considering that the parties are related to one another and there are various civil and criminal cases pending between them, the possibility of implication cannot be ruled out. Even the story alleged is difficult to accept as it is not likely that the applicant has left his house keys in the house of the complainant as there is enmity between them. Also it is unlikely that the victim was dragged or her followed the applicant in his house when she was assaulted again by the applicant. Considering the conspectus of the case as noted above, the possibility of implication cannot be ruled out. In view of the same, the application is allowed in the following terms :

i] In the event the applicant is arrested in connection with Crime No. 0367/2024, registered at Dharur Police Station, District Beed, for the offences punishable under sections 74, 75 (1), 115 (2), 333 and 351 (1) of B.N.S. and under Section 8 and 12 of

the Protection of Children from Sexual Offences Act, 2012, he shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

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

iii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

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

7] In the event, the applicant violates 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 application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC