

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

CRIMINAL APPLICATION (ABA) NO. 901 OF 2022

Dhanraj Babusing Rathod vs. State of Maharashtra and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. R. J. Shinde, Advocate and Mr.M.L.Jadhav, Advocate
for applicant.

Mr. V. A. Thakre, APP for respondent No.1 State.

Mr. Samir Das, Advocate for respondent No.2 victim.

CORAM : BHARATI DANGRE J.

DATE : 10/02/2023

The applicant is apprehending arrest in connection with C.R.No.961/2022, registered with Police Station, Darwha, District – Yavatmal, which is invoked Sections 354, 354-A and 354-D of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The complaint is lodged by the father of the victim girl aged 17 years, who reported to the Police Station that his daughter visited school and tuition class by bus and the accused is an auto driver who reside in the nearby vicinity and therefore, he is acquainted with the victim girl. For some period of time the victim travelled in his auto rikshaw to her

college and tuition. However, she discontinued after some time.

3. It is the allegation in the complaint that the applicant used to follow her despite strong protest and on 01/11/2022, he persuaded her to ride on his motorcycle, when she refused, he caught hold her hand and express that he has a liking for her and he would drop her home, but she desisted the attempt and rushed away from the spot.

4. From the accusation that are levelled, it can be seen that *prima facie* there is no case of any sexual harassment as it is not the case of the prosecution that the applicant hold her hand with any sexual intent. Assuming for a moment that he has expressed his liking for her, since there is no sexual intent indicated from the statement of the victim girl. *Prima-facie* the applicant deserve protection from arrest, as for no purpose his custody is required. However, at the same time, the applicant shall be warned that he shall not indulge into similar incident and if he does so, the protection confer on him shall stand withdrawn.

It is also informed that the charge-sheet has been filed on completion of the investigation. In

these circumstances the applicant deserve protection.

Hence the following order :-

ORDER

1. Application is allowed.
2. In the event of arrest in connection with C.R.No.961/2022 registered with Police Station, Darwaha, District - Yavatmal applicant – **Dhanraj Babusing Rathod**, shall be released on bail on furnishing P. R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
3. The applicant shall mark his attendance on first Monday of the trimester between 11.00p.m. to 1.00p.m. for a period of three weeks and thereafter, as and when called.
4. The applicant shall no way establish any contact with the victim girl either on telephone or any actual contact and if any such attempt or incident is reported to the Police Station, prosecution is at liberty to apply for cancellation of protection conferred on him.
5. The applicant shall, at the time of execution of bond, furnish his address and telephone/mobile number(s) to the Investigating Officer and the Court concerned.

6. The applicant shall regularly attend the court and co-operate the learned trial court to complete the trial for the above offences.

7. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

10. The observations made above are *prima facie* in nature and are restricted for the purpose of determination of the application and trial Court shall not be influenced by the aforesaid observations when the applicant is tried as an accused.

11. Application is disposed of.

[BHARATI DANGRE J.]