



(Sagar Ramdas Wakchaure Vs. State of Maharashtra)

(C.N.R. No. MHAH01-005234-2024)

Order below Exh.01 in Cri. Bail Application No.1117/2024

(Passed on 05.09.2024)

This is an application under Section 482 of the Bhartiya Nagarik Suraksha Sanhita by the Applicant Sagar Ramdas Wakchaure is seeking his release on pre-arrest bail in the event of arrest in respect of Crime No.911/2024 for the offence under Section 74, 324(2), 351(2), 351(3) of the Bhartiya Nyaya Sanhita, registered at Rahuri Police Station, Tal.Rahuri, Dist.Ahmednagar. As his name features in F.I.R., he apprehends arrest.

2. The prosecution story is as under :-

The Complainant is the victim herself aged about 30 years. She is residing near reserved forest area and take her sheep and goats for grassing in the forest area. The Applicant being Forest Department employee, is known to the Complainant. On 11.08.2024 at about 11:30 a.m. he came near the hut of Complainant and asked her to leave the area. He then entered her hut and by saying तुम्ही लई सुंदर दिसता, outraged her modesty and tried to be intimate with her. As she raised cry for help, the Applicant damaged sty and threatened her to lodged complaint against her. He then called some persons and drew away her sheep and goats. As the neighbour lady came, the Applicant threatened her to lodge the complaint her. In view of this, the complaint was lodged on same day at Rahuri Police Station, which was registered accordingly.

3. It is contended by the Applicant that, he is falsely implicated in the crime. Though the Police Station is only 15 kilometers away from incident place, the complaint has been lodged

with delay which is not explained. There is no direct, indirect evidence to connect the Applicant with the offence.

4. It is further stated that he is forest guard at Kuranwadi and the Gat No.68, 69, 70, 192 are reserved forest. The Complainant and her family members are trespass the reserved forest. Hence, he has asked to vacate the same. He has also lodged complaint vide Crime No.8/2023 against the Complainant's husband and Gorakh Karmal. Aggrieved by the same, this false complaint is lodged against him.

5. In spite of notice, the Complainant and neighbouring persons have not vacated reserved forest and have encroached upon it. It is further stated that he is Government servant and have not absconded. He is permanent resident of given address and will not abscond. He is ready to abide by all the terms and conditions and willing to furnish surety and hence request for release on bail.

6. The APP has filed his Say at Exh.13 reiterating the story of F.I.R., strongly objecting the relief sought by the Applicant on the ground that, investigation revealed that the Applicant has committed crime against a woman. It is stated that the Applicant is absconding since commission of crime. If he is granted benefit of pre-arrest bail, he may commit similar kind of offences and threaten the witness, thereby depriving them to depose true facts. For better investigation of crime, the custody of Applicant is necessary and hence the application be rejected.

7. The Complainant has filed her Say at Exh.14 along with

affidavit Exh.15. She too narrated the story of F.I.R. stating that the Applicant has committed serious offence and hence his physical custody is necessary. He has harassed the Complainant in cruel manner and trying to pressurize the witnesses. He is habitual offender and hence the application be rejected.

8. Heard the Advocate for Applicant, the APP and the Advocate of the Complainant. Perused the case papers. It is contended on behalf of the Applicant that, as the Complainant and her family members have trespass and encroached the reserved forest area and the Applicant has lodged complaint against them, this F.I.R. is lodged only to counter blast the complaint lodged by him. On perusal of record it is seen that the complaint lodged by the Complainant is before in time than the F.I.R. lodged by the Applicant. Prior to that, the Applicant has already lodged complaint against husband of the Complainant and Gorakh Karmal on 30.08.2023 for grassing the cattle in the reserved forest area. It is also seen that, prior to this incident, notice were issued to husband of the Complainant and Gorakh Karmal restraining them from entering the reserved forest area with their cattle.

9. Thus, it is seen that the cross complaint in respect of trespassing reserved forest area. As the Complainant stated that she is residing in forest area by erecting a hut, it means that she is not the owner of the said land and the people are not allowed to reside in reserved forest area. From the contentions raised in the F.I.R., it is seen that there is nothing to be recovered at the instance of the Applicant. The document shows he has already lodged complaint

against the family members of the Complainant and her neighbour Balasaheb Karmal. Thus, there is possibility of counter F.I.R. By imposing certain conditions upon Applicant, he can be granted benefit of pre-arrest bail and hence I proceed to pass following order.

ORDER

1. The Criminal Bail Application No.1117/2024 is hereby allowed.
2. In the event of arrest, the Applicant Sagar Ramdas Wakchaure be released on bail on his executing P.R. Bond of Rs.50,000/- with one surety, in like amount, in respect of Crime No.911/2024 for the offence under Section 74, 324(2), 351(2), 351(3) of the Bhartiya Nyaya Sanhita, registered at Rahuri Police Station, Tal.Rahuri, Dist.Ahmednagar.
3. The Applicant shall not tamper evidence and/or try to pressurize any prosecution witnesses.
4. The Applicant shall furnish copy of his Aadhar Card, authenticated address proof along-with address proofs and mobile numbers of two of his relatives other than surety.
5. The Applicant shall not misuse the bail granted to them and shall not indulge any other or similar kind of offences.
6. The bail stands vacated on application by Investigating Officer on breach of any of the condition.

Date : 05.09.2024

(Mrs. S. V. Sahare)
Additional Sessions Judge,
Court No.5, Ahmednagar.