

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

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CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 589 OF 2026

Sidhanath Dnyaneshwar Shinde
Through Natural Guardian
Rameshwar Ramchandra Shinde ... Applicant
V/s.
The State of Maharashtra & Ors. ... Respondents

Mr. Ismail Kalage for the Applicant.

Dr. A. A. Takalkar, APP for the State.

Mr. Pravin Jadhav for the Respondent No.3.

Mr. Vikram Salunkhe, API, i/by Mr. Ankush Waghmode,
API, Akulj Police Station, Solapur, is present.

CORAM : ASHWIN D. BHOBE, J.

DATED : OCTOBER 13, 2026

P.C.:

1. Heard Mr. Ismail Kalage, learned Advocate for the Applicant, Dr. A. A. Takalkar, learned APP for the State, and Mr. Pravin Jadhav, learned Advocate for Respondent No. 3.

2. On 6th October 2026, the following order was passed:

“1. Heard Mr. Ismail Kalage, learned Advocate for the Applicant and Dr. A. A. Takalkar, learned APP for the State.

2. By the present Bail Application, the Applicant, a 16-year-old boy, is before this Court under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking pre-arrest bail, apprehending arrest in connection with Crime No. 590 of 2026 registered with Akulj Police Station for offences punishable under Sections 74, 78, 351(2), 3(5) of

the Bharatiya Nyaya Sanhita, 2023 and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. Mr. Ismail Kalage, learned Advocate for the Applicant, states that the Applicant has been falsely implicated in Crime No. 590 of 2026 by the Informant-Ashok Sharad Patale (father of the victim). He submits that the Informant has a dispute with Ajay Govind Mane, who has filed a complaint against the Informant, registered as Crime No. 589 of 2026. He further submits that Crime No. 590 of 2026 is a counterblast to Ajay Govind Mane's complaint. The Informant filed Crime No. 590 of 2026 by making false allegations against Aditya Ajay Mane, son of Ajay Govind Mane and the Applicant, who is Aditya's friend.

4. The issue of the tenability of pre-arrest bail by a juvenile was considered by the Hon'ble Division Bench of this Court in Anticipatory Bail Application No. 277 of 2022 (*Coram: Sarang V. Kotwal & Bharat P. Deshpande, JJ.*). In paragraphs 30 and 31 of the Judgment dated 15th July 2022, the Hon'ble Division Bench has observed thus:

"30. As is provided under Section 8 (2) of the JJ Act, the High Court and the Children's Court can exercise the same powers, which can be exercised by the Board. These powers can be exercised in appeal, revision or otherwise. The proceedings under Section 438 of the Cr.P.C. are covered under these powers. Because these powers are also available besides proceedings of appeal or revision. Therefore, when deciding the anticipatory bail application, the High Court or the Sessions Court will have to give due importance to the considerations mentioned in the proviso to sub-Section (1) of Section 12 of the JJ Act. However, that proviso does not make the Section 438 of the Cr.P.C. inconsistent with Sections 10 and 12 of the JJ Act. The inconsistency between Cr.P.C. and these two provisions is in respect of Sections 167 and 437 of the Cr.P.C. mainly because the child will have to be produced before the Board and not before any other Court. In those cases, the special procedure provided under Sections 10 and 12 of the JJ Act will have to be followed. But Section 438 of the Cr.P.C. is enacted for a different purpose as discussed earlier and there is no inconsistency.

31. As mentioned earlier, if accusations are made against a child with ill intention to cause humiliation and harassment, then the right to prefer application

under Section 438 of the Cr.P.C. should be available to a child. Section 12 of the JJ Act provides for steps to be taken for production before the Juvenile Justice Board after apprehension. There is a possibility that the child can be detained for some period. However, in cases where accusations are false or are made with oblique motive, then it would be travesty of justice to keep the child away from the protection of his parents and from his usual environment and shelter. There is no reason why he should be deprived of such protection even for a single minute. At that stage application under Section 438 of the Cr.P.C. is the effective remedy available to such child.”

5. The complaint filed by Ajay Govind Mane appears to be prior to the crime that is the subject matter of this Application. From the contentions urged by Mr. Ismail Kalage, learned Advocate for the Applicant, I gather that the accusation against the Applicant (a juvenile) appears to be motivated by ill intent to cause humiliation and harassment. I therefore find prima facie substance in the contentions of Mr. Ismail Kalage, learned Advocate for the Applicant, that the allegations in Crime No. 590 of 2026 are made with an oblique motive. This Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is therefore entertained.

6. Issue notice to the Respondents, returnable on 12th October 2026.

7. Dr. A. A. Takalkar, learned APP for the State, appears and waives service of notice on behalf of Respondent Nos. 1 and 2.

8. Notice be served to Respondent No. 3 through the Investigating Officer, Akluj Police Station, Solapur Rural, with a direction to file a service report on or before the next date of hearing.

9. Mr. Ismail Kalage, learned Advocate for the Applicant, states that a spare copy of the Application would be supplied in the Registry of this Court by 8th October 2026 so as to enable issuance of notice to Respondent No.3.

10. Dr. A. A. Takalkar, learned APP for the State, on instructions from the Investigating Officer, submits that the custodial interrogation of the Applicant in Crime No. 590 of 2026 is not required.

11. In view of the stand taken by the prosecution, the Applicant is granted ad-interim bail in terms of prayer clause-B till the next date.”

3. Mr. Pravin Jadhav, learned Advocate for Respondent No. 3, appears today and states that conditions be imposed on the Applicant to appear before the Investigating Officer, Akluj Police Station, Solapur.
4. Dr. A. A. Takalkar, learned APP for the State, has tendered a report dated 12th October 2026 from the Investigating Officer, Akluj Police Station, Solapur, same is taken on record and marked 'X' for identification.
5. By referring to the Report dated 12th October 2026 ('X'), Dr. A. A. Takalkar, learned APP for the State, submits that the Investigating Officer upon investigation has arrived at a conclusion that the Applicant (a minor of 16 years of age) was not present at the time of the alleged offence and, therefore, he is in the process of filing a 'B' Summary Report.
6. In view of the observations made by this Court on 6th October 2026 and the statement made by Dr. A. A. Takalkar, learned APP for the State, on instructions from the Investigating Officer, by relying on the Report dated 12th October 2026, the custodial interrogation of the Applicant is not required.
7. Based on the statements made by Dr. A. A. Takalkar, learned APP for the State, the apprehensions raised by Mr. Ismail Kalage, learned

Advocate for the Applicant, stand allayed.

8. Criminal Anticipatory Bail Application No. 589 of 2026 stands disposed of on the basis of the statement made by Dr. A. A. Takalkar, learned APP for the State and the Report dated 12th October 2026 ('X').

(ASHWIN D. BHOBE, J.)