

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

**ANTICIPATORY BAIL APPLICATION NO.895 OF 2019**

Kamal Yuvraj Shelke & Anr. .... Applicants

versus

The State of Maharashtra .... Respondent

.....

- Mr.Shailesh Kharat, Advocate for Applicant.
- Mr.S.H. Yadav, APP for the State/Respondent.
- PSI Mr.S.D. Milpatrewar, Chakan Police Station, Pune, present.

**CORAM : SARANG V. KOTWAL, J.**

**DATE : 27<sup>th</sup> AUGUST, 2019**

**P.C. :**

1. The Applicant is seeking anticipatory bail in connection with C.R.No.316/19 registered with Chakan Police Station, Pune, under sections 354 of the Indian Penal Code and under section 8 and 12 of The Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. The allegations in the report filed by mother of 2 ½ years old victim girl are that, on 10/02/2019, the Applicant

No.1 dragged the victim in her house where both the Applicants improperly touched her private parts. The victim started crying and subsequently informed this fact to her mother who had lodged this FIR.

3. Heard learned Counsel Mr.Shailesh Kharat for the Applicant and learned APP Mr.S.H. Yadav for the State.
4. Learned Counsel for the Applicants submitted that both the Applicants are falsely involved in this case because the Applicant No.1 had lodged the complaint against the first informant in this case and her husband with Tantamukt Samiti. He therefore submitted that because of this previous enmity the Applicants are falsely implicated.
5. He further contended that on 10/02/2019 on which date the incident had allegedly taken place at Nanekarwadi the informant and the victim girl were not present in Nanekarwadi, but they had gone to village Asane, Tal-Ambegaon, District-

Pune, which is situated about 100 km away from the alleged place of offence. To substantiate this fact, the Applicants have relied on the record showing that the informant's husband had purchased articles from a ration shop in village Asane on that day. The Applicants have further relied on CCTV footage of 10/02/2019 at 06.20 p.m. at Rajguru Nagar. In the said footage the victim was seen with her father i.e. the informant's husband. The informant's husband was absent from his work on 09/02/2019 and 10/02/2019.

6. Learned APP has submitted a report dated 23/06/2019 wherein the investigating agency has asked for grant of 'B' summary from the competent Court. The investigation shows that the FIR against the present Applicants was false. The investigation was conducted in respect of the points raised by the Applicants and it was found that there was truth in what the Applicants had contended.

7. The result of investigation shows that the Applicants

are falsely implicated. There is no question of their arrest. However, the 'B' summary is yet to be granted by a competent Court. Therefore it is necessary to protect the Applicants by an order of anticipatory bail in view of the investigation carried out. Hence, the following order :

**ORDER**

- (i) In the event of their arrest in connection with C.R.No.316/19 registered with Chakan Police Station, Pune, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**