

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

ANTICIPATORY BAIL APPLICATION NO.497 OF 2021

Shubham Sanjay Devkate Applicant

versus

State of Maharashtra Respondent

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- Mr.Rupesh A. Zade, Advocate for Applicant.
- Mr.Ajay Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 22nd FEBRUARY, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.24/2021 registered with Bhigwan Police Station, under sections 354-D of the Indian Penal Code and under section 12 of The Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. Heard Mr.Rupesh A. Zade, learned counsel for the Applicant and Mr.Ajay Patil, learned APP for the State.

3. The FIR is lodged by father of the victim girl. The victim was 16 years of age at the time of lodging of FIR. It is mentioned in the FIR that the victim was studying in 10th standard in Junior college in village Bhigwan. There are allegations that one year prior to the date of incident, which is the subject matter of the FIR, the Applicant and his friend used to roam around on their motorcycle. It is alleged that the Applicant had asked the victim to sit on his motorcycle and he had told others that she was his property and that nobody should look at her. The girl was harassed. After that on 19/01/2021 again this incident was repeated and therefore this FIR is lodged.
4. Mr.Zade submitted that the Applicant himself is 18 years of age and on this occasion he may be given a chance to improve himself. The incident has occurred out of his immaturity and he had no intention to cause harassment. He submitted that looking at future prospects, some leniency may be shown.

5. Learned APP relied on the averments in the FIR to oppose his application.
6. I have considered these submissions.
7. Without any doubt, the behaviour of the Applicant cannot to condoned, nor can it be justified. However, I am only taking into account his young age. He is 18 years of age and therefore one chance to improve his behaviour can be given to him. At the same time, the interest of the victim and her safety also need to be protected. At this stage, there is no reason to doubt the occurrence of the incident, but only considering his young age, I am showing some leniency to grant him anticipatory bail, with certain conditions to ensure that victim is not harassed again.
8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.24/2021 registered with Bhigwan Police

Station, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The Applicant shall not enter village Bhigwan till conclusion of the trial.
- (iii) This condition shall not be modified on the pretext that he has to attend his school or college in that village. He has to make alternate arrangement for his education.
- (iv) The Applicant shall not attempt to contact the victim or her family members in any manner.
- (v) If any of these conditions is breached, the investigating agency as well as the victim's family are at liberty to make an application for cancellation of this order.
- (vi) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)