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

ANTICIPATORY BAIL APPLICATION NO.153/2023

VIKRAM PREMKUMAR MAHADIK ..APPLICANT

VS.

THE STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

**WITH
ANTICIPATORY BAIL APPLICATION NO.134/2023**

GOURAV KANTILAL BHANAVASE ..APPLICANT

VS.

THE STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

Adv. Rupesh Bobade for the applicants.

Ms. P. N. Dabholkar, APP for State.

PSI D. s. Omase, Tembhurni Police Station, Solapur.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 18, 2023.

P.C. :

1. Heard learned counsel for the applicants and learned APP for the State.

2. This is an application for pre-arrest bail in respect of First Information Report (FIR) No.732/2022 registered with Tembhurni Police Station, for the offence punishable under Sections 354A, 354D, 366A, 506 read with 34 of the Indian Penal Code, 1860 (hereafter 'IPC' for short) and Section 12 of the Protection of Children from Sexual Offences Act, 2012

(hereafter 'POCSO Act' for short).

3. The victim at the relevant time was 15 years of age. The applicant-Vikram was 27 years of age. According to the victim, the applicant-Vikram was following her for two months when she was going to school. It is alleged that the applicant-Vikram had expressed to her that he wants to marry her. The incident is dated November 19, 2022. It is alleged that the applicant-Vikram forced the victim to accompany him in his car and went to a temple. It is further alleged by the victim that the applicant-Vikram performed some rituals and said that the victim and the applicant-Vikram are now married. Thereafter, the applicant-Vikram dropped the victim home.

4. From the statement of the victim, it transpires that after one of her uncle who came to know of the incident, informed this to her father, that complaint came to be registered. The FIR was registered on November 24, 2022. There is a delay in registering the FIR.

5. In the facts of the present case, *prima facie*, in my opinion, the provisions of Section 366A of the IPC will not be attracted. Rest of the offences alleged against the applicant-

Vikram are bailable. Section 12 of the POCSO Act which is applied is non-bailable. The maximum punishment prescribed is 3 years imprisonment. In my opinion, the custodial interrogation of the applicant-Vikram in the present facts is not necessary.

6. So far as the applicant-Gourav is concerned, it is alleged that he had accompanied the applicant and the victim in the car. The applicant-Gourav also took photographs from the applicant-Vaibhav's mobile while the rituals were performed. The applicant-Gourav is 22 years of age.

7. Taking an over all view of the matter, the applicants who do not have any criminal antecedents against them, can be granted anticipatory bail. The applicants are further expected to co-operate with the investigation. There is an N.C. registered that the applicant-Vikram is threatening the victim. This apprehension can be taken care by ensuring that the applicant-Vikram does not stay in the vicinity where the victim is residing. Hence the following order.

ORDER

- (a) In the event of arrest of the applicant-Vikram Premkumar Mahadik in ABA No.153/2023 and the applicant-Gourav Kantilal Bhanavase in ABA No.134/2023, in connection with FIR No.732/2022 registered with Tembhurni Police Station, the applicants shall be released on bail on their furnishing P. R. bonds in the sum of Rs.25,000/- each with one or more sureties in the like amount.
- (b) The applicants shall report to the concerned police station on 21st and 22nd January, 2023, between 11.00 a.m. and 2.00 p.m. and thereafter, as and when called.
- (c) The applicants to co-operate with the investigating officer.
- (d) The applicants shall furnish the details of their residential addresses and phone numbers to the investigating officer.
- (e) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (f) The applicant-Vikram Premkumar Mahadik shall not reside in the area of Nagorli, Taluka-

Madha, till the charge-sheet is filed and shall not enter Nagorli except for the purpose of attending the investigating officer as and when called.

(g) The applicant-Vikram Premkumar Mahadik shall hand over his mobile phone to the investigating officer.

8. The applications are disposed of.

(M. S. KARNIK, J.)