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

ANTICIPATORY BAIL APPLICATION NO.3409/2022

MANISH MANOJ GAIKWAD

..APPLICANT

VS.

THE STATE OF MAHARASHTRA & ANR.

..RESPONDENTS

Ms. Tahera Qureshi for the applicant.

Mr. S. H. Yadav, APP for State.

Mr. Prathamesh Naik for the complainant.

PSI Raut, Ganeshpuri Police Station.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 11, 2023.

P.C. :

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the complainant.

2. This is an application for pre-arrest bail in respect of First Information Report (FIR) No.118/2022 registered with Ganeshpuri Police Station, for the offence punishable under Sections 354, 354(D) of the Indian Penal Code, 1860 (hereafter "the IPC", for short) and Sections 8, 12 of the Protection of Children from Sexual Offences Act, 2012 (hereafter 'POCSO' for short).

3. The complaint has been lodged by the mother of the

victim. At the relevant time, the victim was 17 years of age. From the materials on record it appears that there was a love affair between the applicant and the victim. In the statement under Section 164 of the Code of Criminal Procedure the victim stated that the applicant pulled the victim in his car and slapped her. The statement of the mother of the victim indicates that there was a love affair between the victim and the applicant. The mother tried to convince the victim that the applicant is married and therefore, the victim should not keep such a relationship as it is improper.

4. It is stated in the complaint, that though the victim broke off the relationship, the applicant was harassing the victim. Learned counsel invited my attention to recent chats of the victim and the applicant after filing of the FIR indicating that the victim and the applicant are still in contact with each other.

5. Though it is alleged that the applicant is married, on record there is Divorce Deed dated May 10, 2022 which is on a stamp paper. Not much relevance can be assigned to

such a deed. Also on record is a copy of the petition for a decree for dissolving marriage by mutual consent between the applicant and his wife which has been filed before the Family Court, Thane.

6. Considering the nature of the allegations and the materials on record, though consent of the victim cannot be a factor in favour of the applicant, in my opinion, in the present case, the custodial interrogation of the applicant is not necessary. Hence the following order.

ORDER

(a) The application is allowed.

(b) In the event of arrest in connection with FIR No.118/2022 registered with Ganeshpuri Police Station, the applicant-Manish Manoj Gaikwad shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant shall report to the concerned police station on 16th and 17th January, 2023, between 11.00 a.m. and 1.00 p.m. and thereafter, as and when called.

(d) The applicant shall not directly or indirectly make

any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(e) The applicant shall furnish the details of his residential address and phone numbers to the investigating officer.

7. The application is disposed of.

8. I express my gratitude for the able assistance rendered by the advocate - Mr. Prathamesh Naik representing the complainant.

(M. S. KARNIK, J.)