



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 543 OF 2024

1. VISHAL WALMIK BORDE
2. PARASNATH S/O NAVNATH SHINDE
3. AKSHAY S/O SANJAY SALUNKE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

Mr. Sohail Subhedar, Advocate for the applicants
Mr. P. P. Dawalkar, APP for the respondent/State
Ms. A. D. Patil, Advocate for respondent no.3 (appointed)

CORAM : R. M. JOSHI, J.

DATE : 1st OCTOBER, 2024

PER COURT :-

1. Applicants apprehend arrest in connection with Crime No. 0073/2024 registered with Pundlik Nagar Police Station, District Aurangabad for the offence punishable under Section 354-D of the Indian Penal Code and Section 12 of the The Protection of Children from Sexual Offences (for short 'POCSO') Act.

2. The first informant is a minor girl who has reported to the police that she was acquainted with applicant no.1. Some time in March, 2023 when she visited her maternal uncle's place at Tittarkheda. She found that applicant demonstrated one sided love towards her. It is alleged in the first information report that the he used to continuously

call her and propose her for marriage. There is also allegation against him that when she came to Chhatrapati Sambhajinagar for education, the applicant no.1 he followed her and continued calling her frequently and causing harassment.

3. Learned counsel for the applicants submits that the first information report is based on incorrect fact. He has drawn attention of the Court to the chat between informant and applicant no.1 which according to him indicates that it is not the case of one sided love but is a case of love affair. Thus, it is submission that it is a fit case for grant of anticipatory bail.

4. Learned APP though opposed the application,, but the investigation seems to have revealed that it is not the case of one sided love affair.

5. Learned counsel for the informant submits that applicants are continuously causing harassment to the informant and her family members. His further submission that if anticipatory bail is granted then there is risk to the life of the informant. Learned counsel for the informant makes statement that the informant is at present residing at Nimgondgaon, Tq. Vaijapur, Dist. Chhatrapati Sambhajinagar.

6. On these submissions, learned counsel for the applicants, on instructions, makes statement that the applicants would not enter in to the jurisdiction of Nimgondgaon, Tq. Vaijapur, Dist. Chhatrapati Sambhajnagar till conclusion of trial and that applicants would not upload/share any post in respect of the informant on any social media. He also undertakes not to call informant directly or Indirectly. These statements are accepted as undertaking. It is clarified that breach thereof, would result in cancellation of bail.

7. Hence, the application is allowed in terms interim order dated 4th July, 2024. Fees of the appointed counsel is quantified Rs. 6000/- and it is to be paid by the High Court Legal Services Authority, Sub Committee, Aurangabad.

(R. M. JOSHI, J.)

ssp