



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 980 OF 2024

SANTOSH BALASAHEB BHONDVE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. S. E. Shekade, Advocate for the applicant
Ms. D. J. Jape, APP for the respondent/State
Mr. Y. H. Lagad, Advocate for respondent No.3.

CORAM : R. M. JOSHI, J.

DATE : 4th OCTOBER, 2024

PER COURT :-

1. Applicant apprehends arrest in connection with Crime No. 693/2023 registered with Belwandi Police Station, Dist. Ahmednagar for the offences punishable under Sections 354, 504, 34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act.

2. The first information report is lodged by minor girl stating that on 28/12/2023 present applicant and co-accused came to the spot in front of the house of the informant. There is allegation against the present applicant that he caught hold of her hands and proposed her for marriage. On these averments offence came to be registered against applicant and co-accused.

3. Learned counsel for the applicant has drawn attention of the Court to the first information report lodged on 30/12/2023 in respect of the incident occurred on 28/12/2023 at around 11 a.m. when the brother of the informant and others assaulted applicant and he was required to be hospitalized. He also has drawn attention of the Court to the affidavit filed by the father of the informant in ABA No. 405/2024 stating that the name of the co-accused has been wrongly mentioned in the first information report and it is claimed that the person who was present along with present applicant was unknown person. It is thus his submission that the possibility of false implication is not rule out.

4. Learned APP and learned counsel for the informant opposed the application. It is the contention of the learned counsel for the informant that merely because affidavit has been filed by the father of the informant in respect of wrong mentioning of the name of the co-accused, present applicant cannot get benefit thereof. Learned APP opposed the application on the ground that the offence is registered under POCSO Act and having regard to the serious nature of offence pre arrest bail can not be granted. According to her, the statement under Section 164 of Cr.P.C. recorded of the informant is consonance with the first information report.

5. Affidavit filed by the father of the victim clearly shows that there is no complete truth in the first information report. In fact affidavit contradicts statement of victim not only under Section 161 of Cr.P.C. but also under Section 164 of Cr.P.C. In any event the affidavit filed by the father of the victim creates a possibility of doubt in respect of persons named therein. For this reason as well as in view of the fact that no custodial interrogation of the applicant is necessary, application is allowed in terms of interim order date 20th August, 2024.

(R. M. JOSHI, J.)

ssp