

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

ANTICIPATORY BAIL APPLICATION NO. 511 OF 2024

Mahesh Raju Gaikwad

..Applicant

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Rahul B. Vijaymane for Applicant.

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

Mr. M. G. Bagkar, for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 22 AUGUST 2024

PC. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.611 of 2023 registered at Jodbhavi Peth Police Station, Solapur City, under section 354 of the Indian Penal Code and under sections 8 and 12 of the Protection of Children from Sexual Offences Act.

2. Heard Mr. Rahul B. Vijaymane, learned counsel for the Applicant, Mr. S. H. Yadav, learned APP for the State and Mr. M. G. Bagkar, learned counsel for the Respondent No.2.

3. The F.I.R. is lodged by the Applicant's wife. The

Applicant was her 3rd husband. The informant had two daughters from her first marriage. The victim in this case was her younger daughter, aged 14 years. It is alleged that on 09/10/2023, the Applicant came home in the night at around 11.00 p.m. He was under the influence of liquor. He uttered obscene words towards the informant's younger daughter and also pulled her towards him. On this basis, the F.I.R. was lodged.

4. Learned counsel for the Applicant submitted that the alleged incident was dated 09/10/2023 and the F.I.R. is lodged on 27/11/2023. Thus, it is lodged as an afterthought. It is a result of matrimonial dispute between the Applicant and his wife. He is falsely implicated.

5. Today, the Respondent No.2 is present in the Court with her counsel. Learned counsel for the Respondent No.2 tenders an affidavit of the Respondent No.2-first informant. It is mentioned in the affidavit, that on 09.10.2023 there was some matrimonial dispute and misunderstanding between the applicant, the first informant and her daughters and, therefore, she inadvertently filed

her F.I.R. resulting in C.R.No.611 of 2023. She submitted that, after lodging of the F.I.R., the applicant, the informant and her daughters were residing peacefully at the same address and she has no objection for grant of anticipatory bail, as it was a result of misunderstanding.

6. Learned APP produced the statement of the victim recorded U/s.164 of the Cr.p.c. by the J.M.F.C., Court No.9, Solapur. In that statement also the victim has not supported the F.I.R. She has stated that on 09.10.2023 there was a quarrel between the informant and the applicant and in that quarrel the applicant had slapped the victim. The informant got angry and went to the police station. She further stated that, she does not know what the police had taken down in the informant's statement.

7. Considering this situation, there appears to be doubt about the allegations made in the F.I.R. against the applicant. The first informant and her daughter have not supported the allegations in the F.I.R. The first informant has given no objection

for grant of relief in this application. Learned APP also does not have any objection, except that, his submission is, the applicant be directed to attend the concerned police station.

8. Considering these submissions and the affidavit filed by the first informant, the application can be allowed.

9. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.611 of 2023 registered at Jodbhavi Peth Police Station, Solapur City, the applicant is directed to be released on bail on his executing P R. 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 attend the concerned Police Station once in fortnight for a period of four months from today.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)