

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

ANTICIPATORY BAIL APPLICATION NO.1304 OF 2023

Harshal Rajendra Chandane Applicant

versus

State of Maharashtra & Anr. Respondents

.....

- Mr. Dilip B. Shinde, Advocate for Applicant.
- Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 20th MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.96/2023, dated 25/03/2023, registered with Miraj City Police Station, Sangli, under sections 354-D, 509 of the Indian Penal Code and under section 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard Mr. Dilip B. Shinde, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. In this matter, the notice was issued to the Respondent No.2, who is the first informant. The notice is served. Instead of engaging an advocate for opposing the application, the Respondent No.2 has sent her say, opposing the grant of relief in this case.

4. I have considered this say. I have also perused the FIR lodged by the Respondent No.2. She has stated that she has two daughters. The elder one was 19 years of age and the younger one is 15 years and 6 months old at the time of lodging of the FIR. Her date of birth was 23/10/2007. It is her case that on 16/03/2023, the victim i.e. the younger daughter of the informant was upset and she was crying. When the informant made enquiry, the victim told that the Applicant had told her that he liked her and that he loved her. When the informant's husband questioned the Applicant, there was quarrel and fight. The Applicant therefore was angry. The informant's husband had lodged NC complaint against the Applicant. On 24/03/2023, the victim again told them that at about 05.30 p.m. the Applicant came near her and again repeated what he had said earlier and

told her that he could not live without her. On this basis, the FIR is lodged.

5. Learned counsel for the Applicant submitted that the incident as narrated in the FIR has not taken place. The Applicant has not committed any offence. The Applicant himself was assaulted by the informant's husband and he has lodged his own FIR against the father of the victim and as a counterblast this particular FIR is lodged.

6. Learned APP on instructions submitted that after lodging of this FIR in March 2023, till today there are no further incidents between the parties. The Applicant's behaviour is not objectionable throughout the past one year.

7. I have considered these submissions. The Applicant himself is 20 years of age. In the background of the allegations made against him and also taking into account the fact that there is a possibility that the FIR against him may be a counterblast to his own FIR against the victim's father. The

custodial interrogation of the Applicant will not be justified. The Applicant can be protected u/s 438 of Cr.PC.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.96/2023, dated 25/03/2023, registered with Miraj City Police Station, Sangli, the Applicant is directed to be released on bail on his furnishing PR 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 not cause any harassment to the victim or her family.
- (iii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iv) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)