

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

ANTICIPATORY BAIL APPLICATION NO. 3185 OF 2024

Naresh Vithoba Jadhav	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Pranav H. Bhoite for the Applicant.
Ms. Megha S. Bajoria, APP for Respondent-State.
Mr. Sanjay Maralkar, ASI, Devrukh Police Station, Dist. Ratnagiri.

**CORAM: MANISH PITALE, J.
DATE : 2nd DECEMBER 2024**

P.C. :

1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No. 0115 of 2024 dated 3rd October 2024 registered at Devrukh Police Station, Dist. Ratnagiri, for offences under Sections 75(1)(i) and 75(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The offence under Section 75 of the BNS pertains to sexual harassment by a man committed against a woman and clauses of sub-Section (1) thereof, specify the acts that constitute the aforesaid offence.

4. The informant in the present case has alleged that when she was travelling, on the date and time of the incident, in a bus from

her college to her residence, the applicant touched her in an inappropriate manner on her private parts. According to her, she could not immediately report the incident, one of the reasons being that the applicant was person not known to her. It is submitted that she reached her residence and then came back to the ST bus stand accompanied by her relatives and upon perusal of the CCTV footage, she recognized the applicant. He was allegedly still present at the bus stand, but thereafter ran away, leaving his backpack in which documents were found on the basis of which he could be identified. The informant further explained that she could not immediately cause the FIR to be registered, as she went to her parents and after discussing the same with them, she caused the FIR to be registered.

5. The learned counsel for the applicant submits that the FIR is belated, as according to the informant herself, she had reached the Police on 1st October 2024 i.e. the date of the incident and yet, the FIR was caused to be registered on 3rd October 2024. It is further submitted that considering the allegation levelled against the applicant, custodial interrogation is not necessary. It is further submitted that although the learned APP is harping upon the criminal antecedents of the applicant, out of the 6 FIRs registered against him, he has been acquitted in 2 and only 4 cases are pending. On this basis, it is submitted that this Court may consider allowing the application, as the applicant intends to cooperate with the investigation.

6. On the other hand, the learned APP has strongly opposed the present application. In fact, it was brought to the notice of this Court that this application was specifically adjourned on 29th November 2024, to be heard today, in order to verify the criminal antecedents of the applicant and as to whether there were any other offences registered against him, pertaining to crime against women. By referring to the criminal antecedents, it was emphasized that no indulgence may be shown to the applicant. It was further submitted that the delay in registration of the FIR is reasonably explained by the informant in her statement itself.

7. This Court has considered the rival submissions. The offence under Section 75 of the BNS pertains to sexual harassment committed by a man against a woman and specific clauses are incorporated therein to show the ingredients of the said offence. This Court finds that the nature of allegations levelled by the informant against the applicant, do make out a strong *prima facie* against him, as regards the ingredients of the offence under Section 75(1)(i) of the BNS. It is due to the seriousness of these offences that the legislature has specifically classified the offence as a non-bailable offence, although it provides for punishment of imprisonment upto 3 years.

8. The contention pertain to delay in registration of the FIR, cannot be accepted at this stage, for the reason that the informant herself in her statement has elaborately stated that the reason why she could report to the Police Station for registration of the FIR

only on 3rd October 2024.

9. The criminal antecedents of the applicant in the present case assume significance, for the reason that the record shows that there are at least 2 other FIRs registered against the applicant concerning crime against women. One of the FIRs pertains to allegation of rape under Section 376 of the Indian Penal Code, 1860 and the other pertains to stalking. Even if the said two FIRs have been registered at the behest of one and the same individual, the said fact cannot take away the effect of the criminal antecedents of the applicant, specifically with regard to crime against women. The other FIRs pertain to offences regarding cheating, extortion, etc. This Court is of the opinion that in view of the aforesaid material, no indulgence can be shown to the applicant.

10. The application is dismissed.

MANISH PITALE, J.