

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

**ANTICIPATORY BAIL APPLICATION NO. 3320 OF 2024**

Devanand Shankar Dhulubulu @ Durgule

...Applicant

**Versus**

The State of Maharashtra & Anr.

...Respondents

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- Mr. Aniket Nikam i/b Mr. Sumit Patil, for Applicant.
- Mr. Mayur S. Sonavane, APP for Respondent.

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**CORAM : MANISH PITALE, J.**

**DATE : 11<sup>th</sup> DECEMBER, 2024.**

**P. C. :**

1. Heard learned counsel for the applicant and the learned APP for respondent – State.
  
2. The applicant is apprehending arrest in connection with First Information Report No.0090 of 2024 dated 17<sup>th</sup> October, 2024 registered at Police Station Nate, District Ratnagiri, for offences under Sections 64, 64(2) (ii), 64(2)(m) and 65(1) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 3, 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act)
  
3. The applicant herein is one of the two accused persons against whom serious offences have been made by the informant with regard to the sexual harassment suffered by her daughter at the hands of the accused persons.

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SHRINIVAS  
MALANI

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4. A specific allegation against the applicant is that about two months prior to registration of the FIR, he had committed forcible sexual intercourse on the 16 years old daughter of the informant three times in one day. The minor girl was said to have been working in the house of the applicant.

5. The learned counsel for the applicant submits that during the pendency of the application before the Sessions Court an interim order was operating in favour of the applicant. It is further submitted that there is background to the allegations levelled against the applicant and in that context attention of this Court is invited to a letter dated 17<sup>th</sup> January, 2024, written by the applicant to the *Sarpanch* of the Gram Panchayat. In the said letter, the applicant gave conditional permission to the villagers to use his land for construction of a dam. It is alleged that in the context of use of his land, the applicant had obstructed the villagers and the FIR is nothing but a counter-blast.

6. The learned APP submits that today the Investigating Officer is not present and this Court may grant some time for the investigation papers to be produced before this Court. It is submitted that considering the seriousness of the allegations, this Court may not show any indulgence to the applicant.

7. This Court is inclined to grant interim relief to the applicant, for the reason that an interim order was operating in his favour during the pendency of the application before the Sessions Court. A perusal of the FIR itself shows that the alleged incident involving the applicant is said to have taken place two months prior to registration of the FIR and *prima facie* there does not appear to be any explanation for delay in causing the FIR to be registered, particularly when the allegation is that the applicant had committed forcible sexual intercourse on the 16 years old daughter of the informant three times in one day. The background indicated on behalf of the applicant to claim that the FIR could be said to be a counter-blast, also needs to be further inquired. Since offences under the POCSO Act are registered, notice will have to be issued to respondent No.2.

8. In view of the above, issue notice to respondent No.2, returnable on 13<sup>th</sup> January, 2025. The respondent No.2 shall be served through the Investigating Officer, for which purpose the applicant shall serve a copy of the application on the Investigating Officer within one week from today.

9. There shall be interim order in the following terms :

- (A) Till the next date, in the event the applicant is arrested in connection with FIR No.0090 of 2024 dated 17<sup>th</sup> October, 2024, registered at Police Station Nate, District Ratnagiri,

he shall be released on bail on furnishing PR Bond of ₹50,000/-with one or two sureties in the like amount, to the satisfaction of the Trial Court.

- (B) The applicant shall remain present before the Investigating Officer on 13<sup>th</sup> December, 2024, between 10:00 a.m. and 12 noon and thereafter as and when required by the Investigating Officer.
- (C) The applicant shall co-operate with the investigation.
- (D) The applicant shall not influence the informant, witness or any person concerned with the case and he shall not tamper with the evidence.

10. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

11. List for further consideration on 13<sup>th</sup> January, 2025, “High on Board.”

(MANISH PITALE, J.)