



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

ANTICIPATORY BAIL APPLICATION NO. 613/2024

MAYUR HIRACHAND SANSARE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA
AND ANR.

..RESPONDENTS

Adv. Sundeep Singh for the Applicant.

Adv. Priyanka H. Chavan for Respondent No.2.

Mr. Swapnil V. Walve, APP for the State.

PSI P.D. Sarowar, Manmad City Police Station.

CORAM : M. S. KARNIK, J.

DATE : APRIL 24, 2024

P.C. :

1. Heard learned counsel for the applicant, learned counsel for respondent No.2 and learned APP for the State.
2. This is an application for pre-arrest bail in respect of the offence punishable under Sections 354, 354-A, 323, 504, 506 and 34 of the Indian Penal Code and Sections 7, 8, 11 and 12 of the Protection of Children from Sexual Offences Act, 2012, registered on 03/06/2023 vide C.R. No.251 of 2023 with Manmad City Police Station.
3. The applicant is accused No.3. Accused No.2 is the

sister of accused No.3. Accused No.1 is the husband of accused No.2 and brother-in-law of accused No.3. The applicant is working as a constable in the Central Reserve Police Force (CRPF). The victim was residing with accused Nos. 1 and 2 in Manmad since childhood. Accused No.1 is the maternal uncle of the victim. The victim's mother was residing in Pune. It is the allegation that at the relevant time when the victim was 15 years of age, accused No.1 was addicted to liquor. Accused No.1 touched the victim inappropriately. When the victim told this to accused No.2, she asked the victim to ignore all this. It is then alleged that 7-8 months prior to lodging of the FIR, when the applicant visited his sister's house, even the present applicant touched her inappropriately.

4. Learned counsel for the applicant submitted that there is a delay in lodging of FIR. It is submitted that but for some vague accusations, no details are mentioned in the FIR as to when the alleged incident took place. It is further submitted by learned counsel for the applicant that there were some disputes between the applicant and his sister

who is the mother of the victim, as a result all family members of accused No.1 are roped in. To support his contention, my attention is invited to the complaint made by the victim's mother to various authorities wherein it is mentioned that the accused No.1 return the victim's mother some documents, gold ornaments and her personal belongings.

5. Learned counsel for the victim submitted that the accusations are serious. It is submitted that as a result of such harassment, the victim had even attempted to commit suicide. It is submitted that there is every possibility that the applicant may threaten the victim if granted pre-arrest bail.

6. The allegations are mainly against accused Nos. 1 and 2. No doubt, there are allegations against the applicant, however, having regard to the nature of the accusations and in the present facts, the custody of the applicant is not necessary. The applicant shall cooperate with the investigation. To allay the apprehension of the learned counsel for the respondent as regards the applicant

threatening the victim, learned counsel for the applicant, on instructions, submitted that as the applicant is posted in Chhattisgarh, he will not enter Pune city till the conclusion of the trial. The victim is presently residing in Pune with her mother. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) In the event of arrest of the applicant- Mayur Hirachand Sansare in connection with C.R. No.251 of 2023 registered with Manmad City Police Station, the applicant shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Manmad City police station as and when called.
- (d) The applicant shall not contact, threaten or intimidate the victim.
- (e) The applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.
- (f) Except for attending the trial and reporting to the

Investigating Officer, the applicant shall not enter Pune city, till the trial concludes.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

7. The application is disposed of.

8. I appreciate the valuable assistance rendered by Adv. Priyanka H. Chavan who appeared on behalf of the victim in this proceeding. Her engagement may be regularized by the Maharashtra State Legal Services Authority and may be paid the fees prescribed.

(M. S. KARNIK, J.)