

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

BAIL APPLICATION NO. 4143 OF 2024

Mitt Valmik Solanki

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

- Mr. R.A. Shaikh and Mr. Hasan Sayed a/w Mariyah K., for Applicant.
- Mr. Sagar R. Agarkar, APP for Respondent No.1
- Mr. Murim Khan a/w Ms. Shubi Syed, for Respondent No.2.
- Mr. A.N. Dhole, PI, Mahim Police Station.
- Mr. A.H. Shinde, PSI, Mahim Police Station.

CORAM : MANISH PITALE, J.

DATE : 08th OCTOBER, 2024.

P. C. :

1. This application for bail was mentioned due to extreme urgency, as the applicant is a 19 years old individual, who is required to appear for examination starting from 10.10.2024.

2. This is strange case where the informant is the sister of the applicant and it is on her allegations that the FIR is registered against the applicant for offences under Sections 74, 75 (1) (ii) of the Bharatiya Nyaya Sanhita, 2023 (BNS), Section 10, 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and Section 67 of the Information Technology Act, 2000.

3. The FIR bears No.0468 of 2024, dated 07.09.2024, registered at

Police Station Mahim, Mumbai, for the said offences. The applicant was arrested on the date of registration of the FIR.

4. Since the offences under the provisions of the POCSO Act are also registered, the victim is arrayed as respondent No.2. She has appeared through counsel, who has instructions to state that there would be no objection for granting relief in the present application.

5. Be that as it may, this Court has perused the statement, leading to registration of the FIR, which gives an impression that the informant was impelled to cause the FIR to be registered in the backdrop of a chat, she was undertaking on her mobile phone with a boy, to which the applicant as her brother had raised objection. This Court is not going into the details of the allegations made in the aforesaid statement, in the light of the fact that the learned APP has informed this Court that the statement of the victim (informant) has been recorded under Section 183 of the Bharatiya Nyaya Suraksha Sanhita, 2023 (BNSS) (equivalent to Section 164 of the Code of Criminal Procedure). This Court is informed that in the aforesaid statement recorded on oath before the Magistrate, the informant has effectively exonerated the applicant by stating that in a fit of anger, she caused the aforesaid FIR to be registered.

6. The aforesaid material sufficiently indicates that the applicant in

the present case deserves to be granted relief. He is the brother of the informant and he himself is aged only 19 years. He is to appear for an examination starting from 10.10.2024 and he has already suffered incarceration from 07.09.2024.

7. In view of the above, the application is allowed in the following terms :-

- (A) The applicant shall be released on bail in connection with FIR No.0468 of 2024, dated 07.09.2024, registered at Police Station Mahim, Mumbai, on furnishing PR bond of ₹ 20,000/- with one or two sureties in the like amount.
- (B) The applicant is permitted to furnish cash bail surety in the sum of ₹ 20,000/- for a period of four weeks in lieu of surety;
- (C) The applicant shall cooperate with investigation
- (D) The applicant shall not tamper with the evidence in any manner. The applicant shall not influence the informant, witnesses or any other persons concerned with the case.
- (E) The applicant shall upon release immediately inform the Investigating Officer about his Contact numbers and residential address and update the same in case of any change.

8. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.
9. It is made clear that the observations made in this order are limited to the question of grant of bail to the applicant and that the Trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.
10. The application is disposed of in above terms.

(MANISH PITALE, J.)