

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

ANTICIPATORY BAIL APPLICATION NO.60 OF 2024

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Dipak Akaram Ghadage

...Applicant

versus

The State of Maharashtra and Anr.

.... Respondents

Mr. Dilip B. Shinde, for the Applicant.

Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 11th JANUARY 2024

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R. No.138 of 2023, registered at Kundal Police Station, Sangli, on 19th October 2023, under Sections 364(A), 354, 324, 143, 147, 149, 323, 504, 506 of IPC and under Sections 8 and 16 of the Protection of Children From Sexual Offences Act, 2012 (for short POSCO Act). The FIR is lodged by the victim. The incident involves the first informant and her daughter who was 14 years of age. On 17th October 2023, one Uday Ghadge abducted the

informant's daughter. The accused Himmat Ghadge, Shubham Ghadge, Shital Ghadge played their part in committing the offence under the POCSO Act. The informant went to the place for her daughter's rescue but Uday locked the room and both of them were kept confined in that room for the entire night. On the next day, at about 12.00 P.M. she was rescued by her niece. At that time, opposite side members, including the present applicant assaulted the victim and her husband. On this basis the FIR is lodged.

2. Heard, Mr. Dilip Shinde, learned counsel for the applicant, and Ms. Mahalakshmi Ganapathy, learned APP for the State.
3. Learned counsel for the applicant submitted that it is a false story. At the time of the alleged incident of assault, the applicant and others were at Wai which is about 150 kms away from the place of incident.
4. Learned APP produced the investigation papers which contained the statements of the people from the locality and the persons from Wai. Most of the statements had supported the

contentions of the present applicant.

5. Learned APP submitted that the informant and her family member are not responding to the Investigating Agency's efforts to record their statements under Section 164 of CrPc.
6. I have considered these submissions, since the offence is registered under the POCSO Act, it is necessary to hear the informant. From the circumstances mentioned above, the applicant can be protected by way of ad-interim relief till the next date. Learned counsel for the applicant shall add the first informant as a party respondent without disclosing her identity. Amendment shall be carried out forthwith.
7. Hence, the following order :

ORDER

- (i) Issue notice to the newly added respondent, returnable on 15th February 2024.
- (ii) The investigating Agency shall inform the added respondent about the pendency of this application, and the next date of listing.
- (iii) In the event of his arrest in connection with C.R.

No.138 of 2023 registered at Kundal Police Station, Sangli, till the next date, the Applicant be released on bail on his executing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (iv) This order shall operate till 15th February 2024.
- (v) The applicant shall cooperate with the investigation.
- (vi) Stand over to 15th February 2024.

(SARANG V. KOTWAL, J.)