

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

ANTICIPATORY BAIL APPLICATION NO.231 OF 2024

Akshay Bhagwat Londhe
and another

.....Applicants

Versus

State of Maharashtra

.... Respondent

Mr. V.V. Purwant, Advocate a/w. Fareha Rizvi for the
Applicants.

Smt. Mahalakshmi Ganapathy, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 25th JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.672/2023 registered with Faujdar Chavadi Police Station, Solapur on 17.11.2023 under Sections 354, 354-D of IPC and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act.

2. At the outset learned counsel for the Applicants states that the Applicant No.2 is already arrested and,

therefore, this Application does not survive for him. He is pressing this Application only for the Applicant No.1.

3. Learned APP is seeking time as the investigating officer is not present. Therefore, today I am adjourning the matter. However, I have heard the parties for consideration of ad-interim relief.

4. The FIR is lodged by the mother of the victim. According to her she was around 15 years of age. The Applicant no.1 used to follow her. The incident occurred on 17.11.2023 between 1.00 to 1.30 p.m.. The Applicant No.1 stopped the victim and her cousin when both of them were going towards her college. The Applicant No.1 held hand of the informant's daughter. They started shouting. Therefore, the Applicant No.1 left her and both the informant and her cousin ran away. On this basis, the FIR is lodged.

5. Learned counsel for the Applicant submitted that there is enmity between the families as the informant's cattle destroyed their crops. In the past three NCs were lodged by

the Applicants' family on 8.11.2023, 13.11.2023 and 16.11.2023 against the informant's family. He, therefore, submitted that as a counter-blast and to pressurize the Applicants this false FIR is lodged. The FIR is lodged belatedly at 10.00 p.m. though the alleged incident had occurred between 1.00 to 1.30 p.m.. He submitted that the Applicants were in the police station in connection with their Ncs at the relevant time.

6. Considering these submissions, the IO will have to respond to them. Therefore, the Applicant No.1 can be protected by way of ad-interim relief. Since this is an offence under POCSO Act, it is necessary that the informant is made a party and is heard. Hence, the following order:

ORDER

- (i) The learned counsel for the Applicant is directed to add the first informant as a party Respondent without disclosing her identity. Amendment shall be carried out forthwith. Issue notice to the added Respondent, returnable on 15.2.2024.

- (ii) The investigating officer shall inform the first informant about pendency of this application and the next date of listing.
- (iii) In the event of his arrest in connection with C.R.No.672/2023 registered with Faujdar Chavadi Police Station, Solapur, till the next date, the Applicant No.1 Akshay Bhagwat Londhe be released on bail on his executing A 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 15.2.2024.
- (v) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (vi) Stand over to 15.2.2024.

(SARANG V. KOTWAL, J.)