

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

ANTICIPATORY BAIL APPLICATION NO.231 OF 2024

Akshay Bhagwat Londhe & Anr. Applicants

versus

State of Maharashtra & Anr. Respondents

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- Mr. Viresh V. Purwant a/w Fareha Rizvi a/w Suraj Gadkari, Advocate for Applicants.
- Smt. Sangita D. Shinde, APP for the State/Respondent.
- Ms. Pooja S. Agarwal, appeared through VC, appointed advocate for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.
DATE : 05th SEPTEMBER, 2024

P.C. :

1. This application is considered only for the Applicant No.1 as the Applicant No.2 is already arrested. Therefore this application survives only in respect of the Applicant No.1.

2. The Applicant No.1 is seeking anticipatory bail in connection with C.R.No.672/2023, dated 17/11/2023, registered with Faujdar Chawadi Police Station, Solapur, under sections 354, 354-D of the Indian Penal Code and under sections

8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. Heard Mr. Viresh V. Purwant, learned counsel for the Applicants, Ms. Pooja S. Agarwal, learned counsel for the Respondent No.2 and Smt. Sangita D. Shinde, learned APP for the State.
4. The FIR is lodged by the mother of the victim. According to the informant, the victim was 15 years of age on the date of the incident. The Applicant No.1 used to follow her. The incident occurred on 17/11/2023 between 01.00 p.m. to 01.30 p.m. The Applicant No.1 stopped the victim and her cousin when they both were going to their college. The Applicant No.1 held the victim's hand. Both of them started shouting. The Applicant No.1 left the victim. The victim and her cousin ran away. On this basis, the FIR is lodged.
5. Learned counsel for the Applicants submitted that there was enmity between the families. In the past, before the

incident, three NCs were lodged by the Applicant No.1's family i.e. on 08/11/2023, 13/11/2023 and 16/11/2023 against the informant's family. Learned counsel therefore submitted that as a counterblast and to pressurize the Applicant No.1, this false case is lodged. The FIR was lodged belatedly at 10.00 p.m. though the incident had taken place between 01.00 p.m. to 01.30 p.m. He submitted that the Applicant No.1 along with his father was at the police station, exactly at the time when the incident had allegedly taken place. This could have been verified from the CCTV footage of the police station. But the said footage is not made available. Learned counsel for the Applicant submitted that the Applicant No.1 has attended the concerned police station and has cooperated with the investigation.

6. Learned APP as well as the learned counsel for the Respondent No.2 submitted that the offence is serious and the victim was only 15 years of age. They submitted that prior enmity between the families shows that the Applicant No.1 had motive to commit this offence to pressurize the victim and therefore the Applicant No.1 may not be protected.

7. I have considered these submissions. The incident had occurred allegedly on 17/11/2023. Prior to that, as pointed out by the learned counsel for the Applicants, there were 3 NCs lodged by the Applicant No.1's family against the informant's family in respect of damage to the Applicant No.1's family's crops. Therefore, there is substance in the submissions of learned counsel for the Applicants that the FIR could be a result of false allegations, made as a counterblast to the 3 NCs lodged by the Applicant No.1's family.

8. After the incident dated 17/11/2023, there are no allegations against the present Applicant No.1. In this view of the matter, considering the circumstances and the nature of allegations, the Applicant No.1 can be protected by an order u/s 438 of Cr.P.C.

9. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.672/2023, dated 17/11/2023, registered with Faujdar Chawadi Police Station, Solapur, the Applicant No.1 Akshay Bhagwat Londhe, is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant No.1 shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)