

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

ANTICIPATORY BAIL APPLICATION NO.489 OF 2024

Novendu Nilmoni Sinha Applicant

versus

The State of Maharashtra & Anr. Respondents

.....

- Mr. Uttam L. Telgaonkar, Advocate for Applicant.
- Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 21st FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.124/2022, dated 21/03/2022, registered with Yerwada Police Station, Pune City, under sections 376, 376(2)(f), 376(2)(n) of the Indian Penal Code and under sections 3, 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard Mr. Uttam L. Telgaonkar, learned counsel for the Applicant and Ms. Pallavi Dabholkar, learned APP for the State.

3. Since this offence is under POCSO, it is necessary to hear the victim who is arraigned as the Respondent No.2 without disclosing her identity. However, till the Respondent No.2 is heard, it is necessary to consider the application for grant or rejection of the ad-interim relief. For that purpose, I have heard the learned counsel for the Applicant and learned APP

4. The FIR is lodged by the victim herself on 21/03/2022. She was 16 years of age at the time of lodging of the FIR. The FIR describes the troubled marriages of her mother. The Applicant was her mother's second husband and thus stepfather of the victim. The FIR refers to two incidents. One was in the year 2016. The date and other details are not mentioned, and the other incident is from January 2019. On these two occasions, the Applicant had committed an act attracting the provisions of POCSO.

5. Learned counsel for the Applicant relied on the screenshots of the WhatsApp messages exchanged between the victim and the Applicant. All these messages are after January 2019. All these messages show that their relationship was cordial and normal. Learned counsel for the Applicant submitted that in view of these messages it is not possible to believe that the incidents as described in the FIR, would have taken place.
6. Learned APP on instructions of the Investigating Officer states that the Respondent No.2/victim has expressed her wish to engage a private advocate.
7. Considering these submissions, the investigating agency will have to respond to them. Learned counsel for the Applicant has made out a case for grant of ad-interim relief.
8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.124/2022, dated 21/03/2022, registered

with Yerwada Police Station, Pune City, till the next date, the Applicant 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 shall attend the concerned Police Station from 11/03/2024 to 13/03/2024 between 01.00 p.m. to 05.00 p.m. and thereafter as and when called and shall cooperate with the investigation.
- (iii) This order shall operate till 03/04/2024.
- (iv) Issue notice to the Respondent No.2 returnable on 03/04/2024.
- (v) The investigating agency shall inform the Respondent No.2 about the next date of listing and make a statement to that effect on the next date.
- (vi) Stand over to 03/04/2024.

(SARANG V. KOTWAL, J.)