

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

ANTICIPATORY BAIL APPLICATION NO.758 OF 2024

Samir Iqbal JamadarApplicant
Versus
The State of Maharashtra
and another Respondents

Mr. Pratik G. Tare, Advocate for the Applicant.
Mr. C.D. Mali, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 19th MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.60/2024 registered with Ichalkaranji Police Station, District-Kolhapur on 11.2.2024 under Sections 354, 506 read with 34 of IPC and under Section 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO Act').

2. Heard Mr. Pratik Tare, learned counsel for the Applicant and Mr. C.D. Mali, learned APP for the Respondent-State.

3. Learned APP is seeking time as the investigating officer is not present. Therefore, I have heard learned counsel for the Applicant for consideration of ad-interim relief.

4. The FIR is lodged on 11.2.2024 by the grandmother of the victim, who was about 11 years & 11 months old. The Applicant was having his garment business next to the house of the informant. His son used to visit the Applicant's business place sometimes. On 10.2.2024, one Aman aged 11 years came near the victim and pointed towards the Applicant's son and said something. The victim ran away from there and went to a neighbour's house and started crying. At that time, the informant asked her as to why she was crying. The victim told them that Aman was asking her whether there was love affair between the victim and the Applicant's son. The informant came to the

Applicant to question him. He threatened them and did not give proper answers. On this basis, the FIR is lodged.

5. Learned counsel for the Applicant submitted that from the bare reading of the FIR, no offence is made out. No role is played by the Applicant or even by his son. The registration of FIR is itself was unnecessary. There are hardly any allegations against the present Applicant.

6. Having read the FIR, I find force in the submissions of learned counsel for the Applicant. However, since this is an offence under the POCSO Act, it is necessary to hear the first informant. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.60/2024 registered with Ichalkaranji Police Station, District-Kolhapur, till the next date, the Applicant be released on bail on his executing PR. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) This order shall operate till 22.4.2024.
- (iii) Issue notice to the Respondent No.2, returnable on 22.4.2024. The investigating officer shall inform the Respondent No.2 about the next date of listing and shall make a statement to that effect in the Court on the next occasion.
- (iv) Stand over to 22.4.2024.

(SARANG V. KOTWAL, J.)

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by
PRADIPKUMAR
PRAKASHRAO
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Date:
2024.03.20
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