

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1686 OF 2024

Ashutosh Pratap Ghadage ... Applicant
Vs.
State of Maharashtra and another ... Respondents

Mr. Satyavrat Joshi (through V.C.) i/b. Mr. Yash G. Fadtare for Applicant.
Mr. Kiran C. Shinde, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : JUNE 27, 2024

P.C. :

. Heard Mr. Joshi, learned counsel for the applicant and Mr. Shinde, learned APP for the respondent-State.

2. It is pointed out that since the offences registered in the present case include offences under the provisions of the Protection of Children from Sexual Offences Act, 2012 (POCSO Ac), notice will have to be issued to the respondent No.2 (victim - informant).

3. The learned counsel appearing for the applicant is at pains to point out that in the facts of the present case, even if notice is to be issued, this Court may consider granting interim relief to the applicant as the allegations made by the informant are peculiar.

4. It is submitted on behalf of the applicant that he is not even named in the FIR. As per the informant, the named accused person took her to 'Hang on Cafe', which is run by the applicant and his brother. It is alleged that in the cafe, the named accused person mixed something in the coffee given to the informant, due to which, she felt dizzy and in that situation, the named accused person allegedly undressed the informant

and forced himself on her while recording her video. It is submitted that from the statement of the informant, it is not clear as to the exact place where such activities were undertaken and it is unbelievable that such an act would have been committed in full view of the other customers in the cafe. This Court is informed that the brother of the applicant is already picked up by the police and therefore, the applicant has apprehension of being arrested, despite a strong *prima facie* case in his favour.

5. The learned APP submits that the case diary can be produced before this Court to indicate as to what the investigation has revealed about involvement of the applicant.

6. This Court has perused the statement of the informant. The allegations are against the named accused person about mixing something in the coffee given to the informant and the manner in which the said accused person forced himself on the informant. The manner in which the incident is described by the informant gives an impression that the said act was undertaken by the named accused person in the cafe. There is substance in the contention raised on behalf of the applicant that such an act could not have been undertaken in full view of the other customers in the cafe. The applicant is not even named in the FIR and this Court is convinced that the strong *prima facie* case is made out in favour of the applicant.

7. In view of the above, issue notice to the respondent No.2, returnable on 11.07.2024. The applicant shall provide an additional set of papers to the investigating officer, who shall serve the respondent No.2.

8. In the meanwhile, the following interim order is passed:-

A. Till the next date, in the event the applicant is arrested in connection with FIR No.0173 of 2024 dated 15.05.2024

registered in Vishram Baug Police Station, District - Sangli, he shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one or two sureties in the like amount to the satisfaction of the trial Court;

- B. The applicant shall co-operate with the investigation;
- C. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

9. In case any of the aforesaid conditions are violated, the present order would be liable to be cancelled.

10. List on 11.07.2024.

(MANISH PITALE, J.)

Minal Parab