

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

Anticipatory Bail Application No.1738 of 2024

Shrikar Prakash Gaikar

Aged about 20 years,

Residing at: 605/5B, Sunrise

CHSL, New MHADA Colony,

Opp.Samna Parivar, Malad(E)

Mumbai-400097

... Applicant.

V/s

1. The State of Maharashtra

(At the instance of Dindoshi

Police Station, CR No.250/2024)

2. XYZ

... Respondents.

...

Mr Raja Thakare, Sr.Counsel, i/by Siddarth Jagushte for the Applicant.

Ms Pallavi Dabholkar, APP, for Respondent State.

API Suraj Raut, Dindoshi Police Station, is present.

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Coram : R.N. Laddha, J.

Date : 28 June 2024

P.C. :

Heard Mr Raja Thakare, the learned Counsel for the applicant, and Ms Pallavi Dabholkar, the learned Additional Public Prosecutor representing the respondent/ State.

2. The applicant is apprehending his arrest in connection with

CR No.250 of 2024, registered with Dindoshi Police Station, accusing him of committing offences punishable under Sections 376, 506 of the Indian Penal Code and 4 and 8 of the Protection of Children from Sexual Offences Act, 2012.

3. It is the case of the prosecution that the complainant, who is the mother of the victim girl, was initially married to Naresh Minekar in 2013 but eventually began living separately from her husband. Around 2018, she became acquainted with Prakash Gaikar, the applicant's father. The complainant resided with Prakash Gaikar and gave birth to a boy. As the father of the applicant was not ready to give his name to the child, she lodged a complaint against him. The allegation against the applicant is that he sexually exploited the victim, the daughter of the complainant.

4. Mr Raja Thakre, learned Senior Counsel appearing on behalf of the applicant, submits that the applicant's father has been granted bail in every offence registered at the instance of the complainant against him. The complainant persistently harasses the applicant's father and his family members. A heated argument ensued between the applicant's father and the complainant over the issue of giving father's name to a newborn child. In 2018, the complainant left the applicant's house who was residing with his family members. According to the prosecution, on 7 March

2024, the complainant was informed at the victim girl's school that writing in the victim girl's book implicated the applicant in the alleged offence. The complainant claims that the offence occurred between November 2021 and May 2022, but the FIR was filed on 17 March 7 March 2024, after consultation with an Advocate.

5. Furthermore, the learned Senior Counsel asserts that the complainant's behaviour is questionable. Given the acrimonious relationship between both families, it seems unlikely that the complainant would allow the applicant to be close to her daughter. The complainant permitting the applicant to be alone with the victim girl appears even more improbable. The applicant is merely 21 years of age and has no criminal antecedents. If the applicant is taken into custody in such a false case, it would harm his career. The complainant's frustration is evident as despite filing three separate FIRs against other family members of the applicant, all of them were granted bail. The records show the complainant's ill intention to file the present FIR. Custodial interrogation is unnecessary as the applicant is ready to cooperate with the investigation.

6. Ms Pallavi Dabholkar, the learned Additional Public Prosecutor representing the State, on instructions from the investigating officer who is present in the Court, acknowledges

that the custody of the applicant is not required as the investigation is nearly concluded. Additionally, she consents to grant anticipatory bail to the applicant.

7. Upon perusing the records, it appears that the complainant lodged several complaints against the applicant's family members. There seems to be a considerable delay in filing the present FIR. The investigation is on the verge of the completion. Moreover, the prosecution is not seeking the applicant's custody and has extended its consent to grant anticipatory bail to the applicant.

8. In the light of the foregoing, the application stand allowed in the following terms:

(i) In the event of applicant's arrest in CR No.250 of 2024 registered with Dindoshi Police Station, Mumbai, he be released on bail, upon furnishing a PR Bond of Rs.25,000/- with one or more sureties in the like amount.

(ii) The applicant shall cooperate with the investigation and attend the concerned Police Station as and when required.

(iii) The applicant shall not, himself or through any other person, indulge in any activity that would tamper with the evidence

or influence the witnesses.

9. The application stands disposed of accordingly.

[R.N. Laddha, J.]