

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

ANTICIPATORY BAIL APPLICATION NO. 1836 OF 2024

Krishna Vilas Patil & Ors.	...	Applicants
Versus		
The State of Maharashtra & Anr.	...	Respondents

Mr. Prashant Hagare for the Applicants.
Mr. Sagar R. Agarkar, APP for Respondent No.1-State.
Mr. Ganesh Munde, Constable, Indapur Police Station.

CORAM: MANISH PITALE, J.
DATE : 15th JULY 2024

P.C. :

1. The applicants before this Court are apprehending arrest in connection with FIR No. 0477 of 2024 dated 31st May 2024 registered at Indapur Police Station, Dist. Pune, for offences under Section 354 read with 34 of Indian Penal Code, 1860 (IPC) and Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012 (POCSO Act). Since, the offence has been registered under POCSO Act, informant has arraigned as respondent No.2.

2. The learned counsel appearing for the applicants submitted that even if notice is to be issued to respondent No.2 as offences have been registered under POCSO Act, this Court may consider granting interim protection.

3. In support of the submission, the learned counsel for the

applicants tendered compilation of certain documents, which includes alleged WhatsApp chats between the applicant No.1 and the victim, as also a photograph. The said compilation is taken on record.

4. It is submitted on behalf of the applicants that since the informant was in a relationship with the applicant No.1 and this came to light, the subject FIR has been registered at the behest of the mother of the alleged victim. It is submitted that the victim was to be married and the marriage was allegedly cancelled because of the aforesaid relationship and in that light, the applicants have been falsely implicated by the informant, who is the mother of the victim.

5. The learned APP submits that the statement of the informant, leading to registration of the FIR, clearly shows that the victim is a girl aged about 15 years. Specific acts have been attributed to the applicants on the basis of which offences have been registered under the IPC and POCSO Act. It is submitted that this is a serious matter, wherein statements of the informant, her husband and the victim daughter recorded under Section 164 of the Code of Criminal Procedure, 1973 (Cr.P.C.) clearly implicate the applicants and therefore, this Court may not entertain the present application.

6. This Court has perused the investigation papers, including the statements of the informant, her husband and the minor victim

daughter recorded under Section 164 of the Cr.P.C. In the said statements, apart from her parents, even the victim girl, who is said to be about 15 years old, has described in detail as to the manner in which the three applicants behaved with her. A *prima facie* case is made out, as regards the offences registered against the applicants and considering the fact that the victim is a minor girl, despite the documents tendered by way of compilation, this Court is not inclined to show any indulgence to the applicants.

7. Accordingly, the application is dismissed.

MANISH PITALE, J.