

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1880OF 2024

Sudhir Tanaji Jadhav

...Applicant

Versus

The State of Maharashtra

...Respondent

- Adv. Vilasini Balasubramanian a/w Jaydeep Mane, for the applicant.
- Mr. Kiran C. Shinde, APP for Respondent.
- Ms. Sarika B. Gatkul, PSI, Kurudwadi Police Station.

CORAM : MANISH PITALE, J.

DATE : 09th SEPTEMBER, 2024.

P. C. :

1. Since offences under the provisions of the Protection of Children from Sexual Offences Act also registered in the present case, on 01.08.2024, this Court issued notice to the respondent No.2 i.e. the first informant.

2. The respondent No.2 was to be served through the investigating officer. The learned APP has tendered a document to show that the respondent No.2 has received copy of the papers. The same is taken on record. The learned APP submits that the respondent No.2 desires to avail legal aid.

3. At this stage, the learned counsel for the applicant is pressing for interim relief. It is submitted that even if the statement of the informant leading to registration of the FIR is to be taken into consideration, it comes

through, that the victim girl said to be aged about 16 years was attracted towards the applicant, as they had contacted each other on social media. The only allegation against the applicant is that on the date and time of the incident, he had hugged her and thereafter asked her to elope with him, so that they could marry. According to the informant, this led to a situation where the victim's modesty was outraged, leading to registration of the offences, not only under the IPC but also under the provisions of the POCSO Act. It is submitted that this Court may consider granting interim relief till time the informant appears before this Court through counsel.

4. The High Court Legal Services Committee is directed to appoint an advocate from its panel, at the earliest, for representing the respondent No.2. The applicant shall serve an additional set of papers to the office of the High Court Legal Services Committee in that regard, within one week from today.

5. In the meanwhile, this Court is inclined to grant interim relief in favour of the applicant, considering the nature of allegations made in the statement, leading to registration of the FIR. Even as per the informant, the applicant and the victim girl had been in touch with each other for about four months. It appears that they came in contact on social media. The allegation against the applicant is that he asked the victim to marry him and if necessary

to elope with him. It is alleged that on the date of the incident he hugged her while making the said proposal. The statement indicates that when the applicant reached near the residence of the victim, she came out and met him and the incident occurred. *Prima facie*, it appears that the victim was attracted towards the applicant and although consent in such a situation would be irrelevant as the victim is a minor, but considering the circumstances in which the allegations are made against the applicant, interim relief can be granted, subject to stringent conditions.

6. In view of the above, list the application for further consideration on 09th October, 2024, to be included in the “Supplementary List.”

7. In the meanwhile, there shall be interim order in the following terms :

(A) Till the next date of listing, in the event the applicant is arrested in connection with FIR No.0229 of 2024, dated 02.06.2024, registered at Police Station Kunduwadi, District Solapur, he shall be released on bail, on furnishing PR Bond of ₹ 50,000/- one or two sureties in the like amount, to the satisfaction of the Trial Court.

(B) The applicant shall remain present before the Investigating Officer on 11.09.2024 between 10:00 a.m. and 12:00

noon and thereafter as and when called by the Investigating Officer.

(C) The applicant shall cooperate with the investigation, including surrendering his mobile phone before the Investigating Officer.

(D) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other persons concerned with the case.

8. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

9. List the application for further consideration on **09th October, 2024, to be listed in the “Supplementary List.”**

(MANISH PITALE, J.)