

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

ANTICIPATORY BAIL APPLICATION NO. 1890 OF 2024

Abhishek @ Abhijit Mangesh Burade

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

- Mr. Ranjeet Patil a/w Mr. B.D. Shinde i/b Mr. Ganesh Bhujbal, for Applicant.
- Mr. Balraj Balkrishna Kulkarni, APP for Respondent No.1 – State.
- Mr. Shankar Katkar i/b Prashant Hagare, for Respondent No.2
- Mr. A.J. Jagdale, PSI, Baramati City Police Station.

CORAM : MANISH PITALE, J.

DATE : 02nd August, 2024.

P. C. :

1. Heard, Mr. Ranjeet Patil, learned counsel for the applicant, Mr. Balraj Kulkarni, learned APP for the State, as also Mr. Shankar Katkar, learned counsel appearing for respondent No.2.

2. In the present case, the applicant is one of the four accused persons, who is apprehending arrest in connection with First Information Report No.0361 of 2024, dated 17th May, 2024, registered at Police Station Baramati City, District Pune (Rural), for the offences under Sections 420, 406, 345, 354(A), 504 and 506 read with Section 34 of the Indian Penal Code (IPC); Sections 8 and 12 of the Protection of Children from Sexual Offences Act (POCSO); Sections 39 and 45 of the Maharashtra Money Lending

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(Regulation) Act and Sections 2(1)(r)(s), 3(1)(w)(i)(ii) and 6 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

3. Although in the statement of the informant, leading to registration of the FIR, there is a specific overt act attributed to the applicant to the effect that he held the hand of the informant and pulled her inside the house, this Court is inclined to allow the present application for the following reasons :

- (a) The alleged incident is said to have been taken placed on 10th May, 2024, at about 07:00 p.m., but the FIR was registered after 7 days in the evening on 17th May, 2024. There does not appear to be any explanation for the delay of 7 days in registration of the FIR.
- (b) In the statement of the informant itself, the genesis of dispute between the parties is apparent as the accused persons were allegedly obliged to return certain amounts/gold to the mother of the informant.
- (c) Although allegations have been made regarding offences under the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, no overt act in that context is even alleged against the applicant before this Court.

(d) The applicant is ready to cooperate with the investigation.

4. For the aforesaid reasons, the application is allowed in the following terms :

(A) In the event the applicant is arrested in connection with FIR No.0361 of 2024, dated 17th May, 2024, registered at Police Station Baramati City, District Pune (Rural), for the offences under Sections 420, 406, 345, 354(A), 504 and 506 read with Section 34 of the Indian Penal Code; Sections 8 and 12 of the Protection of Children from Sexual Offences Act; Sections 39 and 45 of the Maharashtra Money Lending (Regulation) Act and Sections 2(1)(r)(s), 3(1)(w)(i)(ii) and 6 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, he shall be released on bail on furnishing P.R. Bond of ₹25,000/- and 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 05th August, 2024 between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer. He shall cooperate with the investigation.

(C) 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.

5. Needless to say, violation of any of the aforesaid conditions may lead to cancellation of the present order.

6. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the Trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

13. The application is disposed of.

(MANISH PITALE, J.)