

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

ANTICIPATORY BAIL APPLICATION NO. 1935 OF 2024

Pratik Mahesh Shelar

...Applicant

Versus

The State of Maharashtra

...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1937 OF 2024**

Saurabh Sanjay Shelar

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Akash Pandey, for Applicants in both the applications.
- Mr. Sagar Ramchandra Agarkar, APP for Respondent in ABA/1935/2024.
- Ms. Rutuja Anil Ambekar, APP for Respondent in ABA/1937/2024.

CORAM : MANISH PITALE, J.

DATE : 26th July, 2024.

P. C. :

1. Heard learned counsel for the applicants and the learned APPs for the State.

2. The two applicants in these two applications are apprehending arrest in connection with First Information Report No.0240 of 2024, dated 02nd June, 2024, registered at Police Station Baramati, District Pune, for the offences under Sections 452, 354, 354-D, 324, 323, 376(2)(n) 427, 143, 147, 148, 149, 504 and 506 read with 34 of the Indian Penal Code (IPC) and

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Sections 4, 6 and 12 of the Protection of Children from Sexual Offences Act (POCSO Act).

3. The applicants are two of the eight accused persons in the FIR.

4. A perusal of the statement of the informant leading to registration of the FIR indicates that according to her, an incident occurred on 01st June, 2024, wherein the applicants and other accused persons inflicted an assault by way of fists and kicks on the informant as well as her brother. The backdrop in which the said incident took place is also stated by the informant. According to her, Gaurav Shelar, who belongs to family of the applicants was stalking and pursuing minor daughter of the informant and when he was asked not to do so, the dispute occurred between the parties. It is relevant to note that in the light of the specific allegation made against co-accused Gaurav Shelar an offence under the provisions of the POCSO Act, is also registered.

5. The learned counsel for the applicants submits that even if the statement of the informant is to be taken into consideration, the allegation pertaining to offences under the POCSO Act, concerns only accused Gaurav Shelar, and not the applicants before this Court. It is submitted that the informant has stated the name of applicant Saurabh Sanjay Shelar, but no overt act is attributed to him at all. Insofar as the applicant Pratik Mahesh Shelar is concerned, it is brought to the notice of this Court that co-accused

Navnath Shelar, who was attributed with the same role as the said applicant, was granted anticipatory bail by the Sessions Court itself. On this basis, it is submitted that since the applicants are ready to remain present before the Investigating Officer, this Court may consider granting relief in the applications.

6. On the other hand, learned APPs appearing for the State have vehemently opposed the present applications. It is submitted that the supplementary statement of the informant would have to be perused. It is further submitted that since offence under the provisions of the POCSO Act are also registered and the informant is shown as party respondent No.2 in the present application, it would be necessary to serve her before any order is passed in these applications.

7. It is further submitted that the genesis of the entire incident is the specific allegation made against co-accused Gaurav Shelar, as regards the manner in which he was pursuing the minor daughter of the informant.

8. This Court has perused the statement of the informant leading to registration of the FIR. Even if the entire statement is to be accepted as it is, the allegation pertaining offence under the provisions of the POCSO Act is only against co-accused Gaurav Shelar. There is no such allegation against the applicants before this Court. Therefore, it is not necessary to serve the

respondent No.2 for considering the present applications filed by the applicants.

9. The role of the applicants is limited to the incident that occurred on 01st June, 2024. Even according to the informant, the applicants before this Court are not in any manner said to be associated with the act of harassing and pursuing the minor daughter of the informant. The presence of both the applicants on the date and time of the incident is certainly mentioned by the informant. But, insofar as applicant Saurabh Sanjay Shelar is concerned, there is no overt act attributed to him at all. The role attributed to applicant Pratik Mahesh Shelar is that he along with co-accused Navnath Shelar allegedly caught hold of the sister-in-law of the informant, due to which her Gown was torn and this caused embarrassment and harassment to the said person.

10. It is a matter of record that the said co-accused Navnath Shelar, who is attributed with the identical role as applicant Pratik Mahesh Shelar, has been granted anticipatory bail by the Sessions Court by order dated 20th June, 2024. In that sense, the applicants are justified in claiming parity.

11. In any case, the incident has occurred in the backdrop of the dispute between the parties, which indeed has its genesis in the grievance of the informant that her daughter was being harassed by the co-accused Gaurav Shelar. There are apparently no criminal antecedents of the applicants and the

incident appears to have occurred in the heat of the moment.

12. The applicants are therefore, entitled to relief, but subject to the stringent conditions already imposed on co-accused Navnath Shelar by the Sessions Court.

13. In view of the above, the applications are allowed in the following terms :

- (A) In the event the applicants are arrested in connection with FIR No. 0240 of 2024, dated 02nd June, 2024, registered at Police Station Baramati, District Pune, for the offences under Sections 452, 354, 354-D, 324, 323, 376(2)(n) 427, 143, 147, 148, 149, 504 and 506 read with 34 of the Indian Penal Code and Sections 4, 6 and 12 of the Protection of Children from Sexual Offences Act, they shall be released on bail on furnishing P.R. Bond of ₹ 50,000/- each and one or two sureties in the like amount to the satisfaction of the Trial Court.
- (B) The applicants shall make themselves available for interrogation by the Investigating Officer, as and when required.
- (C) The applicants shall not directly or indirectly, make any

inducement, threat or promise to any person acquainted with the facts of accusation against them, so as to dissuade him from disclosing such facts to the Court or to Investigating Officer.

- (D) The applicants shall attend Baramati Taluka Police Station on every Tuesday and Friday in between 10:00 a.m. to 12:00 noon, during the pendency of the trial.
- (E) The applicants shall not contact the victim, informant, her family members and witnesses by any manner till filing charge-sheet.
- (F) The applicants shall produce their proof of permanent residence along with mobile numbers.
- (G) The applicants shall give declaration of place of their residence.
- (H) The applicants shall not commit similar offence and shall not indulge in any other criminal activities.
- (I) The applicants shall not leave India without previous permission of the Court.

14. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

15. It is made clear that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant and that the Trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

16. The applications are disposed of accordingly.

(MANISH PITALE, J.)