

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1994 OF 2024**

Milind Premchand Rakecha	...	Applicant
vs.		
The State of Maharashtra and another	...	Respondents

Mr. Nitin Gaware-Patil a/w. Mr. Shubham Wadne, i/b. Shantanu Kolhe for applicant.

Ms. Megha S. Bajoria, APP for respondent No.1-State.

Mr. Aniket Vagal a/w. Mr. Kunal N. Pednekar and Savvy Kolhekar for respondent No.2.

Mr. Dilip Tukaram Pawar, PSI, Junnar Police Station, District Pune Rural.

**CORAM : MANISH PITALE, J.
DATE : 13th AUGUST, 2024**

P.C. :

. Heard learned counsel for the applicant, learned APP for respondent No.1-State and the learned counsel appearing for respondent No.2.

2. Although the office note indicates that respondent No.2 is yet to be served, the learned counsel having instructions to appear on behalf of respondent No.2, is present in Court and he has been specifically heard in the present proceedings.

3. On 31.07.2024, while issuing notice to respondent No.2, this Court granted interim relief in favour of the applicant and the reasons for the same were recorded in paragraph No.10 of the said order, which read as follows:

“10. This Court is inclined to grant interim order in favour of the applicant for the following reasons:

- (i) The first incident referred to by the informant in her statement, leading to registration of the FIR, is of the date 14th March, 2024. A specific allegation is made against the applicant, who is stated to be the husband of the informant, with regard to the manner in which he behaved with his own daughter. From 14th March, 2024 till 9th June, 2024, the informant did not make any grievance.
- (ii) The statement of the informant shows that thereafter, on 9th June, 2024, the applicant behaved in a specific manner with his own daughter giving rise to the grievance of the informant with regard to offence under the POCSO Act.
- (iii) The FIR was indeed registered on the same day, but this Court finds that between 14th March, 2024 and 9th June, 2024, on 4th May, 2024, itself the applicant had submitted a complaint at the very same police station raising his grievance about dispute with the informant and his apprehension that the informant was about to burn his vehicle.
- (iv) Hence, there appears to be a semblance of material on record to show some kind of a dispute between the applicant and the informant prior to the informant approaching the police.
- (v) It is an admitted position that during pendency of the anticipatory bail application before this Sessions Court, the applicant was enjoying interim relief.”

4. The learned APP submits that the applicant attended the police station and he presented himself before the investigating officer on the date specified by this Court and on subsequent occasions also. According to the learned counsel for the applicant, the applicant remained present before the investigating officer on five occasions.

5. The learned counsel for the applicant submits that this Court may consider confirming the interim order and allowing the present application, as the applicant intends to further co-operate with the investigation and to abide by any further stringent conditions that may be imposed by this Court.

6. The learned APP submits that the informant has made a grievance that the applicant is trying to pressurize and influence her and this Court may consider the said aspect of the matter, while disposing of the present application.

7. The learned counsel for respondent No.2 reiterates the aforesaid allegation of the applicant pressurizing the informant. It is also brought to the notice of this Court that as per the material produced by the learned APP, the applicant has criminal antecedents and this aspect may also be taken into consideration.

8. The above-quoted reasons recorded in the order dated 31.07.2024 still hold good. The applicant has presented himself before the investigating officer as per the directions issued by this Court. He was asked by the investigating officer to remain present on five occasions, which is also indeed done by the applicant. This indicates that the applicant has co-operated with the investigation. He has undertaken to further co-operate with the investigation.

9. As regards the apprehension expressed on behalf of respondent No.2, that the applicant may pressurize the informant, who is living alone with a minor child, further stringent conditions can be imposed and the present application can be allowed.

10. As regards criminal antecedents of the applicant, that in itself cannot be a ground to reject the application, for the reason that considering the nature of allegations made by the informant against the applicant in the present case and the backdrop of a dispute that the applicant and informant appear to be having as regards their relationship, this Court is inclined to allow the application, although by imposing further stringent conditions on the applicant.

11. In view of the above, the interim order dated 31.07.2024 is confirmed. The applicant shall continue to co-operate with the investigation and he shall remain present before the investigating officer as and when called.

12. As regards condition (D) in the order dated 31.07.2024, the same is modified and the applicant is directed not to enter the jurisdiction of Junnar Police Station, District Pune Rural, till filing of chargesheet.

13. The applicant shall inform the investigating officer within one week from today, about his place of residence outside the jurisdiction of Junnar Police Station.

14. The applicant shall report to the local police station within whose jurisdiction he would be residing, once a month i.e. on the first Monday of each month between 10:00 a.m. and 12:00 noon, till the filing of chargesheet. All other conditions shall continue to operate.

15. The application stands allowed in above terms.

(MANISH PITALE, J)