

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2169 OF 2024**

Gaurav Kiran Sathe and another	...	Applicants
vs.		
The State of Maharashtra	...	Respondent

Mr. Rajaram V. Bansode for applicants.

Mr. Bapu V. Holambe-Patil, APP for respondent-State.

**CORAM : MANISH PITALE, J.
DATE : 22nd AUGUST, 2024**

P.C. :

1. Heard learned counsel for the applicants and the learned APP for the respondent-State.

2. The applicants have approached this Court apprehending arrest in connection with FIR No.0104 of 2024 dated 17.03.2024 registered at Vaduj Police Station, District Satara, for offences under Sections 354 and 354-D read with 34 of the Indian Penal Code, 1860 as well as Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

3. Since offences under the provisions of the POCSO Act are also registered against the applicants, it would be necessary to add the informant as a party respondent before the present application is disposed of.

4. But, at this stage, the learned counsel for the applicants is pressing for interim relief. He highlights the fact that during the pendency of the application before the Sessions Court, from 26.03.2024 to 23.07.2024,

interim relief was operating in favour of the applicants. The applicants have also abided by the conditions imposed upon them by the Sessions Court. Reference is made to Exhibit E to show that the applicants attended the concerned Police Station as per the directions given by the Sessions Court. Apart from this, it is submitted that the statement of the informant, leading to registration of FIR would also show that there is not even an allegation of physical contact against the applicants and that they have a strong case on merits.

5. The learned APP has opposed the grant of interim relief to the applicants by relying upon the observation made in paragraph No.7 of the order of the Sessions Court, while rejecting the application for anticipatory bail of the applicants. It is submitted that before the Sessions Court itself, the informant had made the grievance that the applicants continued to follow her minor daughter and they were pressurizing the informant to withdraw the allegations.

6. This Court has considered the material on record. The statement of the informant, leading to registration of FIR, shows that the applicants are alleged to have pursued the minor daughter of the informant on motorcycle and thereafter, made gestures while looking at her, which put a sense of fear in the mind of the minor girl.

7. This Court finds that *prima facie*, offence under Section 8 of the POCSO Act may not be made out, as there is not even an allegation of physical contact against the applicants. Nevertheless, the other allegations pertain to stalking and sexual harassment, may have to be further considered.

8. But, since an interim order was operating in favour of the applicants during the pendency of the application before the Sessions Court, this Court is inclined to grant interim relief, while directing the informant to be added as party respondent No.2. The apprehension expressed by the learned APP can be addressed by imposing appropriate conditions on the applicants.

9. The applicants shall add informant as respondent No.2. The amendment shall be carried out forthwith. Issue notice to respondent No.2, returnable on 25.09.2024, to be included in the supplementary list.

10. The notice shall be served through the investigating officer, for which purpose the applicants shall provide an additional set of papers to the investigating officer.

11. In view of the above, there shall be interim relief in the following terms:

- (a) Till the next date of listing, in the event the applicants are arrested in connection with FIR No.0104 of 2024 dated 17.03.2024 registered at Vaduj Police Station, District Satara, they shall be released on bail on furnishing PR Bonds of ₹ 50,000/- each and one or two sureties in the like amount to the satisfaction of the trial court;
- (b) during the pendency of this application, the applicants shall not enter the jurisdiction of Vaduj Police Station, District Satara;
- (c) the applicants shall report before Dahiwadi Police Station, District Satara on every Monday between 10:00 a.m. and 12:00 noon during the pendency of this application;

- (d) the applicants shall not, in any manner, contact the informant or the minor victim girl;
- (e) the applicants shall not influence the informant, witness or any person concerned with the case and shall not tamper with the evidence. They shall co-operate with the investigation.

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

13. List on 25.09.2024, to be included in the supplementary list.

(MANISH PITALE, J)

Priya Kambli