

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2303 OF 2024

Sourabh Yuvraj Alle

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Parvez Kohir, for Applicant.
- Mr. Babu V. Holambe Patil, APP for Respondent.

CORAM : MANISH PITALE, J.

DATE : 03rd SEPTEMBER, 2024.

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P. C. :

1. Heard, Mr. Parvez Kohir, learned counsel for the applicant and Mr. Babu Holambe Patil, learned APP for the respondent – State.

2. In the present case, the applicant is apprehending arrest in connection with First Information Report No.0009 of 2024, dated 05.01.2024, registered at Akkalkot South, District Solapur, for offences under Sections 376, 376(2)(n) and 376(3) of the Indian Penal Code (IPC), as also Sections 4 and 6 of the Protection of Children from Sexual Offences Act (POCSO Act). This Court is informed that offence under Section 313 of the IPC was also initially registered but, at the stage of filing of the charge-sheet it was dropped, but, subsequently again the said offence appears to have been added in the present case.

3. The FIR was registered on the basis of the statement of the

informant, who is the mother of the minor victim. According to the informant, the named accused person Dinesh Dharangonde had indulged in sexual intercourse with the minor victim girl, resulting in pregnancy. It is alleged that the said named accused person took the victim initially to a hospital where an ultrasound was conducted and thereafter to a Nursing Home, where she was given certain medicine resulting in abortion of the fetus. The applicant is said to be the owner of the said Nursing Home.

4. Considering the fact that offences under the provisions of the POCSO Act are registered and the despite the fact that the specific allegation against the applicant may not be relatable to the offences under the provisions of the POCSO Act, it would be appropriate to add the informant as respondent No.2 and to issue notice to her.

5. In that light, leave is granted to amend the cause title to add the first informant as respondent No.2. The amendment shall be carried out forthwith by appropriately concealing the identity of the said respondent.

6. While this Court would be issuing notice to the newly added respondent No.2, the learned counsel for the applicant submits that this Court may consider granting interim relief during the pendency of the present application.

7. The learned APP has opposed the aforesaid prayer, contending that specific allegation is made in the statement of the informant itself, which led to registration of the FIR.

8. This Court is inclined to grant the interim relief to the applicant for the following reasons :

(i) Although a reference to the Nursing Home said to be owned by the applicant is made in the statement of the informant, leading to registration of the FIR, *prima facie*, it appears that specific timeline is not mentioned in the statement and in the FIR caused to be registered on 05.01.2024, the only allegation pertaining to the incident involving the said Nursing Home appears to be of December, 2023.

(ii) The offence under Section 313 of the IPC was registered at the time when the FIR came to be registered, but the charge-sheet shows that the offence under Section 313 of the IPC, which could involve the applicant, was dropped.

(iii) It appears that subsequently the said offence under Section 313 of the IPC was again added and thereupon, summons were issued to the applicant under Section 160 of the Code of Criminal Procedure (Cr.P.C). The aforesaid sequence of events does show some degree of doubt even in the mind of the Investigating Authority as to the role of the applicant and his criminal liability in respect of the offence under Section 313 of the IPC.

(iv) the applicant has undertaken to cooperate with the investigation.

9. In the light of the above, issue notice to respondent No.2, returnable on **08th October, 2024**, to be included in the “Supplementary List.”

10. In the meanwhile, the following interim order is passed :

- (A) Till the next date of listing, in the event the applicant is arrested in connection with FIR No.0009 of 2024, dated 05.01.2024, registered at Akkalkot South, District Solapur, he shall be released on bail, on furnishing PR Bonds of ₹25,000/- and one or two sureties in the like amount.
- (B) The applicant shall remain present before the Investigating Officer on 06th September, 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 in any manner contact the informant or any other person concerned with the informant during the pendency of the present application.
- (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.

11. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.
12. List the application for further consideration on **08th October, 2024**, to be included in the “Supplementary List.”

(MANISH PITALE, J.)