

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

ANTICIPATORY BAIL APPLICATION NO. 2469 OF 2024

Nilesh Sunil Burade	...	Applicant
Versus		
The State of Maharashtra & Anr.	...	Respondents

Mr. Ganesh Bhujbal a/w B. D. Shinde for the Applicant.
Mr. Balraj B. Kulkarni, APP for Respondent-State.
Mr. A. J. Jagdale, PSI, Baramati City Police Station.

CORAM: MANISH PITALE, J.
DATE : 13th SEPTEMBER 2024

P.C. :

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

2. Since offences under the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) are also registered against the applicant, it would be necessary to issue notice to the respondent No.2 i.e. the victim. But, the learned counsel for the applicant is pressing for interim relief, during the pendency of the present application.

3. Having considered the rival submissions, interim relief deserves to be granted for the following reasons :

(a) This Court has already granted anticipatory bail to co-accused person-Abhishek @ Abhijit Mangesh Burade by

order dated 2nd August 2024 passed in Anticipatory Bail Application No. 1890 of 2024. The Sessions Court has also subsequently granted anticipatory bail to co-accused Mangesh Sunil Burade. The role attributed to the applicant is not very different from that which is attributed to the said two co-accused persons.

- (b) This Court has perused the material on record and it is found that the allegations are made in the backdrop of a dispute between the parties with regard to alleged liability of the accused persons to pay the rent of the informant and her mother.
- (c) The incident in the present case, is said to have occurred on 10th May 2024, while the FIR has been registered after 7 days i.e. on 17th May 2024, thereby *prima facie* indicating delay in registration of the FIR.

4. In view of the above, issue notice to respondent No.2, returnable on **18th October 2024**, to be included in the supplementary list.

5. The respondent No.2 shall be served through the Investigating Officer, for which purpose the applicant shall provide an additional set of papers pertaining to present application to the Investigating Officer, within one week from today.

6. In the meanwhile, there shall be interim order in the following terms :

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No. 0361 of 2024 dated 17th May 2024 registered at Baramati City Police Station, Dist. Pune (Rural), he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount.
- (b) The applicant shall remain present before the Investigating Officer on 18th September 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall co-operate with the investigation.
- (c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

7. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.

8. List this application for further consideration on 18th October 2024, to be included in the supplementary list.

MANISH PITALE, J.