

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO.3232 OF 2024

Anirudha @ Dada Bhalchandra Trikurde ... Applicant  
**Vs.**  
State of Maharashtra and another ... Respondents

Ms. Neha Ramesh Kokare for Applicant.  
Mr. Babu V. Holambe-Patil, APP for Respondent-State.  
Mr. V. D. Devkate, PSI, Baramati Police Station.

**CORAM : MANISH PITALE, J.**  
**DATE : DECEMBER 04, 2024**

**P.C. :**

. Heard Ms. Kokare, learned counsel for the applicant and Mr. Holambe-Patil, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0725 of 2024 dated 04.10.2024 registered with Baramati City Police Station, District - Pune Rural, for offences under Sections 64, 65(2), 351(2) and 351(3) of the Bhartiya Nyaya Sanhita, 2023 (BNS), Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), as also under Sections 3(1)(r), 3(1)(s), 3(1)(w)(i) and 3(1)(w)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC and ST Act).

3. Since offences under the POCSO Act are also registered in the present case, it would be necessary to issue notice to respondent No.2 (first informant and victim). But, the learned counsel for the applicant, in the facts and circumstances of the present case, is pressing for interim relief in the meanwhile.

4. The learned counsel for the applicant submits that the subject FIR is nothing but a counter-blast to an earlier complaint lodged by the wife of the applicant against four specifically named persons, who were said to be accompanied by three unknown persons with regard to an incident that took place on 03.10.2024 itself. It is further submitted that in the subject FIR, the serious allegation regarding penetrative sexual assault pertained to an alleged incident of 17.09.2024, while FIR has been registered much later on 04.10.2024.

5. The learned APP submits that today, the investigating officer is not present. But, the statement of the informant, who is herself the victim (minor girl), indicates the ingredients of serious offences registered against the applicant.

6. This Court has perused the documents filed along with the present application. At page 39 (exhibit - C), the applicant has placed on record copy of a complaint lodged on 03.10.2024 by the wife of the applicant, alleging that when the applicant was not at home, four named persons, accompanied by three unknown persons, visited the house of the applicant. They allegedly threw the minor child of the applicant while trying to look for the applicant in the house and thereafter dragged the applicant's wife in the bedroom and committed rape on her. A copy of the document at exhibit - C, original whereof is tendered by the learned counsel for the applicant for perusal of this Court, shows that there is indeed an acknowledgment given by the concerned police officer of Baramati City Police Station. It is surprising that despite such grave allegations made in the written complaint lodged by the wife of the applicant, the FIR was not registered. The document also shows that in such a situation, the applicant's wife was constrained to send a written complaint to the Superintendent of Police, Pune and yet, till date, no action appears to have been taken in that regard.

7. According to the applicant, two of the persons named in the aforesaid written complaint submitted by his wife are related to the informant in the present case. This allegation will have to be investigated by the investigating officer.

8. In this backdrop when the statement of the informant leading to registration of the subject FIR is perused, it comes to light that the serious allegation regarding penetrative sexual assault pertains to 17.09.2024, while the FIR has been lodged after considerable delay, on 04.10.2024. There is further reference to an incident that allegedly took place on 03.10.2024 at about 4:00 p.m. in the afternoon but the allegation therein would be, at the most, relatable to the offence under Section 8 of the POCSO Act.

9. Having considered the aforesaid material, this Court is convinced that the applicant has made out a strong case for granting interim relief in his favour.

10. In view of the above, issue notice to respondent No.2, returnable on 14.01.2025, High on Board.

11. 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.0725 of 2024 dated 04.10.2024 registered with Baramati City Police Station, District - Pune Rural, he shall be released on bail on furnishing PR Bond of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the trial Court;
- B. The applicant shall remain present before the investigating officer on 06.12.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called. He shall co-operate with the

investigation;

- C. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

12. In case any of the aforesaid conditions are violated, the present order would be liable to be cancelled.

13. The original complaint dated 03.10.2024 tendered for perusal of this Court is returned to the learned counsel for the applicant.

**(MANISH PITALE, J.)**

*Minal Parab*