

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3435 OF 2024

Pradyuman Madhusudan Naik ... Applicant
Vs.
State of Maharashtra and another ... Respondents

Mr. Mayur Kale (through VC) for Applicant.

Mr. Sagar R. Agarkar, APP for Respondent No.1-State.

Mr. Walmik V. Choudhari, PSI, Indiranagar Police Station, Nashik City.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 17, 2024

P.C. :

. Heard Mr. Kale, learned counsel for the applicant and Mr. Agarkar, learned APP for the respondent-State.

2. Since offences under the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) are registered, notice will have to be issued to the victim, who is already shown as respondent No.2 in this application. But, the learned counsel for the applicant is pressing for interim relief.

3. Attention of this Court is invited to the contents of the FIR and it is alleged that in the backdrop of matrimonial dispute and divorce between the informant and his ex-wife, the applicant, who is a 72 year old grandfather of the victim child, has been unnecessarily roped in and shown as an accused. It is submitted that wild allegations have been made against the applicant. Attention of this Court is also invited to certain reports of non-cognizable offences (NCs) registered at the behest of the applicant and the co-accused persons.

4. The learned APP submits that this Court may consider issuing

notice to the respondent No.2 before disposing of the application.

5. This Court is inclined to grant interim relief in favour of the applicant, for the reason that the genesis of the FIR, *prima facie*, appears to be a dispute between the informant and his ex-wife. The copies of NCs registered at the behest of the applicant and co-accused person against the informant prior to registration of the FIR is also a factor, that cannot be ignored. The applicant is a 72 year old gentleman against whom allegations have been made with regard to ill-treating his own grand-daughter. The applicant is ready to co-operate with the investigation.

6. The learned APP correctly points out that the respondent No.2 i.e. the victim is in the custody of her own mother, who is also a co-accused person and therefore, while issuing formal notice to the respondent No.2, this Court may consider appointing an advocate from the panel of the advocates maintained by the High Court Legal Services Committee to represent the respondent No.2.

7. In view of the above, issue notice to the respondent No.2, returnable on 22.01.2025, High on Board.

8. Considering the aforesaid suggestion of the learned APP, the High Court Legal Services Committee is directed to appoint an advocate from its panel to represent the respondent No.2.

9. The applicant shall additionally furnish a copy of the application in the office of the High Court Legal Services Committee within a week from today.

10. In the meanwhile, there shall be interim relief in the following terms:-

A. Till the next date, in the event the applicant is arrested in

connection with FIR No.373 of 2024 dated 11.11.2024 registered with Indira Nagar Police Station, District - Nashik, he shall be released on bail on furnishing PR Bond of Rs.15,000/- with one or two sureties in the like amount to the satisfaction of the trial Court;

- B. The applicant 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.

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

(MANISH PITALE, J.)

Minal Parab