



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 ANTICIPATORY BAIL APPLICATION NO. 54 OF 2025

VIJAYKUMAR KARBHARI GOLHAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Rajendrraa Deshmukkh,
Senior Advocate a/w. Mr. Shriram Deshmukh, Ms.
Meenal Deshmukh i/b. Mr. Shinde Manoj Dharmaraj

APP for Respondent/State: Mr. S. K. Shirse

Advocate for Respondent No.3 :

Ms. Pooja Kishor Apache (*Appointed*)

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CORAM : ARUN R. PEDNEKER, J.

DATE : 11.02.2025

P.C. :

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

2] The applicant is apprehending arrest in connection with Crime No.0566/2024, dated 24.12.2024, registered at Ashti Police Station, District Beed, for the offences punishable under Sections 79, 126(2), 115(2), 352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023 & Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3] This court by order dated 16.01.2025 granted interim protection considering the disability certificate, wherein the applicant is shown to be having 70% disability.

4] The learned Senior Advocate for the applicant points out that on 28.11.2024 the N.C. was registered against the informant and, so also, on 30.11.2024 FIR was also registered against the informant.

5] The learned Senior Advocate for the applicant submits that the present FIR is a counter blast to the earlier N.C. and F.I.R. and the present FIR is registered on 24.12.2024. The learned Senior Advocate for the applicant submits that at the relevant date he was not even present at the place of the alleged offence. No harm is caused at the instance of the applicant. So also, it is stated that the allegation as regards the POCSO Act are concerned it is not possible in a public place on a male child.

6] The learned Senior Advocate for the applicant submits that after the interim order the applicant has attended the concerned police station and cooperated with the investigation.

7] The learned APP submits that there is no CCTV footage available of the area.

8] Considering the submissions of the learned counsel for the applicant that there is rivalry between the parties and the record indicates that there is prior FIR is registered, there is possibility of over implication cannot be ruled out.

9] In view of the above, the interim protection granted by order dated 16.01.2025 stands confirmed, on the following terms:

i] The applicant shall attend the police station as and when required by the Investigating Officer.

ii] 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.

iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

10] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

11] It is also clarified that the observations made in

this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

12] Ms. Pooja Kishor Apache, learned counsel appointed by this court to represent the cause of respondent no.3, shall be paid fees of Rs.10,000/-.

13] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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