



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

38 ANTICIPATORY BAIL APPLICATION NO. 231 OF 2025

AUDUMBAR SIDRAM MANE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Dadpe Prasanna Diliprao
APP for Respondents 1 & 2 : Ms. Neha B. Kamble
Advocate for respondent No. 3 : Ms. Pooja K. Apache (appointed)

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 17/03/2025

PER COURT :

1. Heard the learned counsel for the applicants, the learned APP for the respondents-State and Ms. Pooja K. Apache, learned advocate appointed for respondent No. 3.
2. The applicants are apprehending arrest in connection with Crime No. 3/2025 dated 6.1.2025 registered with Tuljapur Police Station, Taluka Tuljapur, District Dharashiv for the offences punishable under sections 74, 333, 115(2), 118(1), 352, 351(3), 3(5) of B.N.S., 2023 and under sections 8, 12 of POCSO Act, 2012.
3. Applicant No. 1 is the father of applicant No. 2. The case against the applicants is that on 3.1.2025 the applicants in drunken condition have entered in the house of the informant and assaulted the sister of the informant and minor daughter of 13 years of the informant and as such, the offence has been registered against the applicants for aforesaid offences.
4. The learned counsel for the applicants has produced before this Court certain whatapp chats and photographs and submits that applicant No. 2 was in long standing relationship with the wife of informant, which is

evident from the photographs and whatsapp chat between applicant No. 2 and wife of informant. The learned counsel for the applicants submits that the offence as alleged in the F.I.R. did not take place. The learned counsel submits that out of vengeance on account of relationship between the applicant No. 2 and wife of informant, present case is filed and to aggravate the same, the minor girl of the informant is involved in this crime.

5. The learned counsel for the applicants has produced the pen drive to show that at the relevant time, the minor daughter of the informant was present in Kirtan from 9.15 p.m. to 11.45 p.m. when the offence as alleged in the F.I.R. has stated to be taken place at 10.30 p.m.

6. Ms. Pooja K. Apache, learned counsel appointed for respondent No. 3 submits that assault is made on the sister of the informant and that head injury is caused. Today, the learned APP has produced the injury certificate which shows that the injury is simple in nature. The learned APP submits that the I.O. has verified the CCTV footage of the Kirtan and submits that the minor was present for the Kirtan from 9.15 p.m. to 11.30 p.m.

7. This Court has granted interim protection to the applicant No. 1 by order dated 20.2.2025. Considering the submissions and police papers, it appears that the offence as alleged may not be taken place, although there is possibility that some altercation might have taken place between the parties on account of relationship between applicant No. 2 and wife of informant. Considering this aspect of the matter, interim protection granted to applicant No. 1 can be confirmed and the application of applicant No. 2 can be allowed.

8. In view of the above, the application of applicant No. 1 is allowed and the interim protection granted to applicant No. 1 by order dated 20.2.2025

is confirmed.

9. The application of applicant No. 2 is also allowed. In the event the applicant No. 2 is arrested in connection with Crime No. 3/2025 dated 6.1.2025 registered with Tuljapur Police Station, Taluka Tuljapur, District Dharashiv for the offences punishable under sections 74, 333, 115(2), 118(1), 352, 351(3), 3(5) of B.N.S., 2023 and under sections 8, 12 of POCSO Act, 2012, he shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount.

10. The applicants shall attend the police station as and when required.

11. The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

12. The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

13. In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

14. 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.

15. The application stands disposed of.

16. Fees of Rs.10,000/- be paid to Ms. Pooja K. Apache, learned counsel appointed for respondent no.3 by the Legal Services Sub-Committee, High Court, Bench at Aurangabad.

[ARUN R. PEDNEKER, J.]