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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 465 OF 2025

Bhagwan Pandit Jadhav.

.... Applicants

Versus

1. The State of Maharashtra

2. XYZ.

.... Respondents

.....

Mr. Vishnu Kande, Advocate h/f Mr. Ajinkya Reddy, Advocate for Applicant

Mr. M.K. Goyanka, APP for Respondent No.1 – State

Mr. Nitin Salunke, Advocate (appointed through Legal Aid) for Respondent No.2

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 25 AUGUST, 2025

PER COURT :-

1. The applicant apprehends his arrest in connection with Crime No. 0445 of 2021 registered at Mantha Police Station, District Jalna, for offences punishable under Sections 354, 354(A), 354(D), 506 r/w 34 of IPC and u/s 12 of the Protection of Children from Sexual Offences (POCSO) Act.

2. According to learned counsel, there is a false implication. That, the alleged occurrence is of 18.12.2021. There are mere allegation of moving a hand over the back of the informant, who is said to be a

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minor. That, considering such nature of allegation, there is nothing to be recovered or discovered from the applicant. That, investigation is already over, and the charge-sheet was filed on 16.02.2022. That, the applicant undertakes to abide by all conditions imposed by this Court. For these reasons, the relief is earnestly sought.

3. Learned APP strongly opposed the application on the ground that the victim was 13 years of age. That, the girl was repeatedly followed, and the applicant is specifically named for harassing her on multiple occasions. It was submitted that if relief is granted, the applicant is likely to misuse the liberty and continue harassing the girl, who is currently undergoing education. He, therefore, prays to reject the application.

4. Heard. Perused the FIR. Report seems to be lodged by one minor aged 13 years and she reported that she was studying in 8th standard at the time of the incident i.e. in December, 2021. That, when she went to school with her friend, it is alleged that since two months back, at that time, six boys named including present applicant used to come in front of the school, follow the girls, whistle and shouted. That, said occurrence was reported to the parents and thereafter, teacher and parents reported the same to parents of the boys and to give understanding. In spite of understanding, they did

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not mend their ways. On 17.12.2021, it is alleged that while she was returning from school, the present applicant rolled down the window of the car, moved his hand over the back of the informant, and issued threats. The report of the above occurrence appears to have been lodged the next day, i.e., on 18.12.2021.

5. Thus, it appears that the alleged occurrence is of 17.12.2021 i.e. four years back. Papers show that charge-sheet is already filed in February 2022. The allegations, as seen above, pertain to moving a hand over the back. Custodial interrogation is not necessary. Apprehension expressed by learned APP about misuse of liberty can be taken care by imposing conditions. Hence, the following order:

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No. 0445 of 2021 registered at Mantha Police Station, District Jalna, for offences punishable under Sections 354, 354(A), 354(D), 506 r/w 34 of IPC and u/s 12 of the Protection of Children from Sexual Offences (POCSO) Act, he shall be released on executing P.B. and S.B. of Rs.15,000/- with one surety in the like amount.

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- (iii) The applicant shall not enter the vicinity of the village where the informant and her family members reside, and where she is pursuing her studies, till conclusion of the trial.
- (iv) The applicant shall not tamper the prosecution evidence.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane