



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 816 OF 2025

Bhagwan Changdeo UgaleApplicant

VERSUS

The State of Maharashtra & anotherRespondents

Mr. A. D. Shinde, Advocate for Applicant.
Mr. R. S. Wani, APP for the State.
Mr. V. H. Pathade, Advocate for the Informant.

CORAM : ADVAIT M. SETHNA, J.
DATE : 1 JULY, 2025.

P. C. :

1. The proceedings relate to Crime No. 0137/2025. The First Information Report (for short '**FIR**') was lodged on 1 March 2025 at 19.48 hours. The alleged offences are under Sections 74, 78, 352 of the Bharatiya Nyaya Sanhita, 2023 (for short '**BNS**') read with Section 12 of the Protection of Children from Sexual Offences Act (for short '**POCSO Act**'). The occurrence of the offence is stated to be on 5 March 2025 from 9.45 am to 12.00 noon. The Informant/victim is aged 16 years.

CASE IN THE FIR :

2. The Informant/victim has lodged a report that from 21 February 2025, her 10th standard examination has begun. When she

was proceeding on her scooty for such examination, the accused stalked at her and threatened her that she should marry him otherwise he will kill her. Accordingly, she informed to her parents and uncle. Thereafter on 5 March 2025 at about 9.45 am, on Karanjgaon to Parsoda road, near railway track, she was proceeding to Parsoda Taluka Vaijapur for her 10th standard examination. At that time, the accused stopped her, took key of her scooty and threatened her that she should marry him and he will see that how she marries anyone else. Thus, she could not go to the examination. Thereafter her uncle came there, as she was frightened, he took her to the house and she told about it to her mother and brother. However, because of the fear of defamation they decided not to aggravate the situation. However, the accused threatened the cousin of the Informant on phone that if there is any complaint lodged then he would face the consequences. In such circumstances, the FIR has been lodged.

SUBMISSIONS :

3. The learned Advocate for the Applicant would submit that this is a case of cross FIRs. Prior to lodging of the said FIR dated 17 March 2025, a complaint dated 15 March 2025 was filed by

the accused person against the present Informant. According to him, this is a counter blast to the earlier FIR. He would submit that besides stalking the Informant/victim as stated in the FIR, there is no other allegation. He would further submit that the Applicant would undertake full co-operation with the investigation and would comply with all the terms and conditions that this Court would deem fit and proper. Accordingly, he would pray that the Application be allowed as there is no necessity of custodial interrogation of the Applicant.

4. On the other hand, the learned APP would draw Court's attention to the contents of the FIR. He would point out that it is not just on 21 February 2025 but also on 5 March 2025 that the accused/Applicant stalked the Informant/victim and threatened her with dire consequences including threats to kill her if she does not marry him. Because of such shock and trauma, the Informant could not appear for the 10th standard examination. According to him, the offences are serious. Such stalking had adverse impact on the mind and psyche of the Informant. He would submit that the allegation in the FIR deals to stalking the victim with intent to pressurise her to marry the Applicant. In such circumstances, the Application be

rejected as the matter would require custodial interrogation of the Applicant.

5. Mr. Pathade, the learned Advocate for the Informant would support the contention of the learned APP.

FINDINGS :

6. Heard the learned Advocates for the parties and with their assistance I have perused the record.

7. After perusing the FIR, it is apparent that the accused who is stated to be a labour has stalked the Informant on couple of occasions and threatened her. As a result of such threats and acts, she could not appear for the 10th standard examination. In my view, to say the least, such acts ought to be deprecated. From the nature of accusations in the FIR and the offences alleged, it reveals that besides stalking there is no allegation of outraging modesty and/or sexual harassment with sexual intention at this stage as far as the Applicant is concerned, which *prima facie* does not appear from the contents of the FIR. Thus, the ingredients of Section 12 read with

section 11 of POCSO Act are not coming forth, qua the Applicant, at this stage.

8. Considering the peculiar facts and circumstances as noted above, in my view, the following order would meet the ends of justice.

ORDER

(i) In the event of arrest of the applicant Bhagwan Changdeo Ugale in connection with C.R. No. 0137/2025, registered with Vaijapur Police Station, Dist. Aurangabad, for the offences punishable under Sections 74, 78, 352 of the BNS and under Section 12 of the POCSO Act, the applicant is directed to be released on bail on furnishing PR bond in the sum of Rs. 20,000/- (Rupees Twenty Thousand Only) with one solvent surety in the like amount.

(ii) The applicant shall attend the concerned Police Station on every Monday at 11.30 am, until further orders. He is further directed to co-operate the investigation.

(iii) The Applicant shall not enter the territorial limits of village Dahegaon where the school of the Informant is stated to be located, until further orders. Until further

orders, he shall also not enter the territorial limits of village Karanjgaon where the Informant resides.

(iv) The Applicant shall in no way establish any contact with the Informant/victim either on telephone or any actual contact through any other mode or means of communication whatsoever. If any such incident is reported to the Police Station, the prosecution is at liberty to apply for cancellation of such protection granted in favour of the Applicant.

(v) The Applicant shall not directly or indirectly make any inducement or promise to any person acquainted with the facts of this case so as to dissuade him/her from disclosing the facts to the Court or to the Police Station.

(vi) The applicant shall furnish details of residential address and other contact details such as the mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately informed to the concerned police station.

(vii) The applicant shall not leave the jurisdiction of the Court without prior permission of the Court, until further orders.

(vii) He shall not contact and/or influence the witness/es and/or tamper with the evidence in any manner whatsoever.

9. Anticipatory Bail Application is allowed in above terms.

10. Needless to mention that the observations are *prima facie* for the purpose of adjudication of this Application.

(ADVAIT M. SETHNA)
Judge

dyb