



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 889 OF 2025

Vitthal Raghunath Misal ... Applicant

Versus

The State of Maharashtra and others ... Respondents

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Mr. Umakant U. Wagh, Advocate for the Applicant.

Mr. C. V. Bhadane, APP for Respondent Nos. 1 and 2-State.

Ms. Shilpa Aurangabadkar, Advocate for Respondent No.3
(appointed)

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 21.08.2025

ORDER :

1. This is a pre arrest bail application apprehending arrest in crime no. 320 of 2025 registered with Pathardi Police Station, District Ahilyanagar for the offences punishable under Section 74 of BNS and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel pointed out that there is false implication. That applicant is 36 years of age. Informant, who is shown to be 15 years of age, has lodged report contending that present applicant expressed his liking for her and caught her hand and even touched her

inappropriately. Learned counsel submits that, considering the nature of allegations, custodial interrogation is not necessary, moreover when applicant is ready to co-operate with the investigation.

3. Learned APP as well as learned counsel appointed to represent the informant, both strongly opposed on the ground that serious offence has been committed. Victim is minor, i.e. 15 years of age. However, learned APP fairly pointed out that in this case, charge sheet is already filed.

4. Considering the above discussion and the nature of allegations, this Court does not find it a case of custodial interrogation. Further investigation, if any, can be carried out by securing presence of the applicant. Hence, following order :

ORDER

I. The application is allowed.

II. In the event of arrest of the applicant in connection with crime no. 320 of 2025 registered with Pathardi Police Station, District Ahilyanagar for the offences punishable under Section 74 of BNS and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, he shall be released on executing P.B. and S.B. of Rs.15,000/- with one surety in the like amount.

III. The applicant shall attend the concerned Police Station as and when called by the Investigating Officer and co-operate in the investigation, if any.

IV. The applicant shall not make any attempt to contact the informant in any manner and shall not tamper with the prosecution evidence.

V. Fees of the counsel appointed to represent respondent no.3 to be paid by the High Court Legal Services Sub Committee, Aurangabad as per Rules.

[ABHAY S. WAGHWASE, J.]

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