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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 ANTICIPATORY BAIL APPLICATION NO. 1141 OF 2024

1. Anil Shahadeo Shinde
Age:36, Occu.: Agri.,
R/o. Antharwan Pimpri,
Tq. & Dist. Beed.
2. Balu Balnath S/o. Santram Shinde
Age: 32 years, Occu.: Agri.
R/o. As above.
3. Jalindar S/o. Dagduba Shinde,
Age: 56 years, Occu.: Agri.,
R/o. As above

... Applicants.

VERSUS

1. The State Of Maharashtra
2. XYZ.

... Respondents

.....
Mr. Abjijit S. More, Advocate for Applicants
Mr. S.P. Sonpavale, APP for Respondent No.1 – State
R.G. Hange, Advocate for Respondent No.2
.....

CORAM : HITEN S. VENEGAVKAR, J.

DATE : 30 SEPTEMBER, 2025

PER COURT :-

1. Heard.
2. This application for anticipatory bail is filed under Section 438 of the Code of Criminal Procedure. The applicants are the original accused Nos. 3 to 5.

3. At the outset, it must be noted that the applicants were granted interim relief by order dated 10.07.2024 by this Court and applicants were directed to attend the concerned police station as and when required and were also mandated to co-operate with the investigation. There is nothing on record that these conditions have been flouted by the present applicants.

4. I have heard the learned advocate for the applicants who narrated the gist of the FIR, wherein one accused by name Shubham Prashant Shinde on 27.05.2024, alleged to have outraged the modesty of a young minor girl who was 8 years old is the daughter of the informant. Subsequent to this incident, when the husband of the informant went to the residence of the accused persons to question Shubham Shinde, it is alleged that the family members, including the present applicants, assaulted the husband of the informant with an iron rod and wooden stick, causing him to sustain certain injuries. On this count, offence was registered bearing C.R. No.140 of 2024 came to be registered for the offences punishable under Sections 354, 354-A, 425, 506, 307, 324, 143, 147, 148, 149 of the Indian Penal Code and Section 8 and 12 of Protection of Children from Sexual Offences Act, 2012 (POCSO Act). The learned Advocate for the applicant submitted that the accused Sudarshan Shinde has been released on bail, as he was

found juvenile even the accused Shubham Shinde against whom the main allegation of outraging of modesty of a minor girl has been alleged. Is also released on bail. So also accused Prashant Shinde been released on bail by the trial Court. As on date, the record shows that the charge-sheet has already been filed. Learned Advocate for the applicants argued that the allegations pertaining to the present applicants from the FIR narrate that they together assaulted the husband of the informant. He also referred to the medical certificate and pointed out that few injuries are grievous in nature and few injuries are simple in nature. He further argued that there is a cross-complaint against the informant and her family and thus he tried to impress upon this Court that there was a scuffle between two families and out of the same, the alleged incident has taken place. He has placed on record the order granting anticipatory bail to accused Sudhakar Mahadev Pokale, Abhiman Mahadev Pokale, and Madhukar Mahadev Pokale in cross FIR bearing Crime No. 145 of 2024, registered with Pimplaner Police Station, Taluka and District Beed, wherein similar offences have been alleged under Sections 307, 324, 427, and 504 read with Section 34 of the IPC and the informant in the said case is Anil Shinde who is relative of present applicants. Thus, according to applicants' Advocate, it is a case of scuffle between two family members and there was no premeditation for commissioning of the alleged offence of assaulting the informant.

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5. The learned APP admits to the fact that the charge-sheet has been filed. He further argued that the allegations are serious in nature, involving a minor girl, and therefore, a serious offence under the POCSO Act has been applied. He prayed for rejection of the applicant's prayer.

6. The learned Advocate for the original informant has also made his submissions stating that the alleged incident of assault has been committed by the applicants and in support of that he read ground No. III on page 8 of the anticipatory bail application. He further argued that the offence has been mainly committed against the victim girl, who is 8 years old, and therefore, in such heinous nature of the offence, a strong message must be sent to society that persons responsible for committing such offence cannot be released on anticipatory bail. He also argued that there are serious allegations against the present applicants who have assaulted the husband of the victim i.e. father of the victim girl who is 8 years old, and for that reason when he went to question the accused Shubham who tried to outrage the modesty of the minor girl, all the family members assaulted the husband of informant. He prayed that the application be rejected.

7. I have heard and perused the entire material on record including the charge-sheet with the assistance of the learned Advocate for the

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applicant, learned Advocate for respondent No. 2 and the learned APP. Though FIR narrates a serious allegation of outraging of modesty of a minor girl aged 8 years old, the FIR itself discloses that the alleged incident has been committed by accused Shubham Shinde and the record shows that he has already been released on bail along with two other accused persons who have participated in the act of assaulting the husband of the informant.

8. In the backdrop of the interim relief, which was granted by this Court way back on 03.09.2024 i.e. almost one year from today with certain terms and conditions.

9. The charge-sheet now has been filed, in my view, once the charge-sheet is filed and the investigation is completed and other co-accused persons similarly situated are granted regular bail by the trial Court, I do not find any reason not to grant anticipatory bail and hence, the application deserves to be allowed.

10. The application is allowed. The interim anticipatory bail granted to the applicants by order dated 10.07.2024 stands confirmed on the same terms and conditions.

[HITEN S. VENEGAVKAR]
JUDGE