



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1166 OF 2025

Mangesh S/o. Sanjay @ Balasaheb Shirsath,
Age : 31 years, Occu. : Pvt. Service,
R/o. Kasar Pimpalgaon, Tq. Pathardi,
Dist. Ahmednagar

... Applicant
(Orig. Accused)

Versus

1. The State of Maharashtra,
Through its Investigating Officer,
Pathardi Police Station, Tq. Pathardi,
Dist. Ahmednagar.
2. The Superintendent of Police,
Ahmednagar.
3. X.Y.Z.

... Respondents

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Mr. Narayan B. Narwade, Advocate for Applicant.
Mr. S. S. Dande, APP for Respondent Nos.1 and 2 – State.
Mr. K. K. Katariya, Advocate for Respondent No.3 – Informant.
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CORAM : ABHAY S. WAGHWASE, J.

DATED : 26 AUGUST 2025

ORDER :

1. Apprehending arrest in Crime No.0522 of 2025 registered with Pathardi Police Station, Dist. Ahilyanagar for the offences punishable under section 74 of the Bharatiya Nyaya Sanhita and under section 8 and 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, present application for pre-arrest bail is pressed into service.

2. Learned counsel for applicant pointed out that, applicant is falsely implicated. That, applicant happens to be in relation of the victim, who is said to be a few months short of 17 years of age. She has alleged that, he expressed his liking for her and merely caught her hand and tried to embrace her. That, except such allegations, there are no other allegations. That, considering such allegation, he would point out that, custodial interrogation of applicant is not necessary. That, complaint is out of misunderstanding. For all above reasons, he prays for anticipatory bail.

3. Learned APP opposed on the ground that, serious offence of outraging modesty of minor girl has been committed. That, disadvantage of loneliness of the victim has been taken and as there is every possibility of misuse of liberty, learned APP opposes the anticipatory bail application.

4. Learned counsel for informant submits that, he has no objection for grant of anticipatory bail.

5. Heard. Perused the papers. Report dated 10.05.2025 seems to be at the instance of a girl, who gave her age as 16 years and 6 months old and she is taking education. She has reported that, on

10.05.2025, while she was alone, her maternal uncle i.e. present applicant came to her house and on finding others to be out of the house, she has alleged that he told her he liked her very much, caught hold of her left hand and pulled her towards him. According to her, because of his such act, she felt her modesty being outraged.

6. Considering the above nature of allegations, applicant and informant are in relation and moreover in the light of statement made across the bar by learned counsel for applicant that, complaint is out of misunderstanding and there being no objection from the informant for grant of interim relief, application deserves to be allowed. Hence, the following order is passed :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of applicant - Mangesh S/o. Sanjay @ Balasaheb Shirsath, in connection with Crime No.0522 of 2025 registered with Pathardi Police Station, District Ahilyanagar for the offences punishable under section 74 of the Bharatiya Nyaya Sanhita and under section 8 and 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.

- (iii) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.
- (iv) Applicant shall not contact and/or influence the witness/es and/or tamper with the evidence in any manner whatsoever.

(ABHAY S. WAGHWASE, J.)