



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

**956 ANTICIPATORY BAIL APPLICATION NO. 1470 OF 2024
AKASH RAOSAHEB NIKALJE**

VERSUS

THE COMMISSIONER OF POLICE AND OTHERS

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Advocate for Applicant : Mr. Avinash R. Borulkar

APP for Respondent/State: Mr. G. O. Wattamwar

Advocate for Respondent No.3 :

Mrs. Sushma T. Jadhav (*Appointed*)

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CORAM : ARUN R. PEDNEKER, J.

DATE : 28.02.2025

P.C. :

1] Heard learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel appointed for respondent no.3.

2] The applicant is apprehending arrest in connection with Crime No.377/2024, dated 10.07.2024, registered at MIDC Cidco Police Station, District Chh. Sambhajinar, for the offences punishable under Sections 75, 332(c) of the Bharatiya Nyaya Sanhita, 2023 & under Sections 8 and 12 of the POCSO Act.

3] This court by order dated 27.08.2024 granted interim protection to the applicant. The learned counsel submits that thereafter the applicant has cooperated with the investigation. He also submits that after completion of the investigation charge-sheet is filed in the matter.

4] The case against the applicant is that he has entered into the house of the informant (aged 13 years) and caught hold of her from behind and touched her breast and accordingly the FIR is registered.

5] The learned counsel submits that the allegations made are on account of some grudge amongst the neighbourers.

6] The learned APP so also the learned counsel appointed for respondent no.3 submitsthat in the 164 statement the victim stood by her statement made to the police.

7] The learned counsel for the applicant submits that maximum punishment for the offence is 5 years and the investigation in the matter is over and charge-sheet is filed. The learned counsel for the applicant submits that the applicant is working as an Engineer in a private company.

8] Considering the above aspect of the matter and since the investigation is completed and charge-sheet is filed and the matter is pending trial and the trial will take substantial time, further custody of the applicant would not be necessary.

9] In view of the above, the interim protection granted by order dated 27.08.2024 stands confirmed, on the following terms:

i] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

ii] The applicant shall co-operate with the proceedings before the trial Court.

10] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

11] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

12] Mrs. Sushma T. Jadhav, learned counsel appointed for respondent no.3, shall be paid fees of Rs.10,000/-.

13] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE