



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

935 ANTICIPATORY BAIL APPLICATION NO. 1910 OF 2024

Shreyas Sunil Mandlik

VERSUS

The State Of Maharashtra And Others

...
Advocate for Applicant : Ms. P.S.Talekar h/f Talekar And Associates
APP for Respondents-State: Mr. G. O. Wattamwar
Advocate for Respondent No.3 : Mr. P. S. Magar

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CORAM : ARUN R. PEDNEKER, J.

Dated : February 07, 2025.

PER COURT :-

1. Heard learned counsel for the applicant, the learned APP for the respondent-State, and the learned Counsel for respondent No.3
2. The applicant is apprehending arrest in connection with FIR No.0492/2024, dated 14/10/2024, registered at Gangapur Police Station, District Chh. Sambhajinagar, for the offences punishable under sections 354, 354-A, 354-D, 506,507 r.w.34 of the Indian penal Code, under Section 8, 12 of the Protection of Children from Sexual offences (POCSO) Act, 2012, and under Section 66 (C) of the Information Technology Act, 2000.
3. This Court, by order dated 25/11/2024, granted interim protection to the applicant, which is continued by order dated 07/01/2025. The case against the applicant is that he stalked the victim and forcefully demanded her mobile number. He took her to a cafe and kissed her under the threat of killing her parents. The applicant took a selfie with the victim, uploaded it on his Instagram account, and labeled her as his wife, thereby defaming her. Accordingly, an FIR was registered against the

applicant for the aforesaid offences.

4. Subsequently, the victim's statement under Section 164 of Cr.P.C. was recorded, wherein she confirmed the allegations made in the FIR. About a month later, on 22/11/2024, her supplementary police statement was recorded, in which she stated that the applicant had physical relations with her.

5. The learned Counsel for the applicant submits that the relations between the applicant and the victim were consensual. The learned Counsel for the applicant produced photographs and WhatsApp chats between the applicant and the victim. The learned Counsel submits that *prima facie*, from the same, it appears that the relationship was consensual.

6. Per contra, the learned APP and the Counsel appearing for the original informant submit that the relations were not consensual and that this is a case of molestation. It is clearly made out from the FIR and the supplementary statement that the applicant maintained sexual relation with the victim against her wish. Therefore, they prayed for vacating the interim protection granted to the applicant and for dismissal of the application.

7. Considering the rival submissions and *prima facie* examining the

photographs and WhatsApp chats, this Court is of the view that there was a consensual relationship between the parties. In the statement before the Magistrate, the informant did not mention an offence under Section 376 of IPC. At this stage, considering that the relationship appears to be consensual in nature, the interim protection granted by this Court is confirmed.

8. During the pendency of the proceedings, it was alleged that the applicant had threatened the informant. Consequently, this Court directed the Investigating Officer to verify the statement. The Investigating Officer submitted a report mentioning that, from the CCTV footage, it could not be inferred that the applicant had threatened the informant, although they are seen crossing one another outside the bank.

9. In view of the above, the application is allowed in the following terms : -

i] In the event the applicant is arrested in connection with FIR No.0492/2024, dated 14/10/2024, registered at Gangapur Police Station, District Chh. Sambhajinagar, for the offences punishable under sections 354, 354-A, 354-D, 506,507 r.w.34 of the Indian penal Code, under Section 8, 12 of the Protection of Children from Sexual offences (POCSO) Act, 2012, and under Section 66 (C) of the Information Technology Act, 2000, he shall be released on bail on furnishing PR bond of Rs.15,000/- with one or two sureties

in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the police station as and when called by the police.

iii] 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.

iv] The applicant shall co-operate with the investigation and also in 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. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.