



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

**918 ANTICIPATORY BAIL APPLICATION NO. 1939 OF 2024
WITH
CRIMINAL APPLICATION NO. OF 2025**

**JAISEN SHIVDAS DHEMBRE
VERSUS
THE STATE OF MAHARASHTRA**

...

Advocate for Applicant : Mr. A. D. Hande
APP for Respondent-State: Mr. V. M. Chate
Advocate for respondent No.2 : Mr. G. L. Deshpande

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CORAM : ARUN R. PEDNEKER, J.

DATE : 08.01.2025

P.C. :

1] Mr. G. L. Deshpande, the learned counsel appearing for respondent No.2 is allowed to assist the learned APP. Criminal Application filed for assisting APP is disposed of accordingly.

2] Heard learned counsel for the applicant, the learned APP for the respondent-State and Advocate for respondent No.2.

3] The applicant is apprehending arrest in connection with Crime No.589 of 2024 dated 13.10.2024, registered at Basmath City Police Station, District Hingoli, for the offences punishable under sections 74, 75, 115(2), 296, 352, 351(2), 351(3) of Bharatiya Nyaya Sanhita and 8

of POCSO Act.

4] This Court by order dated 13.11.2024 has granted interim protection to the applicant. The applicant has co-operated with the investigation.

5] The learned counsel for the applicant submits that considering the statement of the victim under Section 164 Cr.P.C, this Court had granted interim protection to the applicant. Perusal of statement of the victim shows that, the victim knew the applicant, the act alleged appears to be consensual.

6] The learned counsel appearing for respondent No.2 submits that, after grant of interim protection by this Court, the applicant along with other boy came on motor cycle in front of the house of the informant and caused damage to the property of the father of the victim of Rs. 1,000/-. The learned counsel therefore prays to vacate the interim relief and rejection of present anticipatory bail application.

7] Considering the submissions of the applicant and the learned APP, *prima facie* the allegations levelled against the applicant after grant of interim protection by this Court seems to be fabricated.

8] In view of the above, the application is allowed

and the interim protection granted vide order dated 13.11.2024 is confirmed on the following terms :

i] The applicant shall attend the police station as and when required by the Investigating Officer.

ii] The applicant shall not contact to the victim in any manner during the pendency of the case.

iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

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

10] 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.

11] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE