

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2169 OF 2024

Gaurav Kiran Sathe And Anr	...Applicants
Versus	
State Of Maharashtra	...Respondent

Mr. Rajaram Vaman Bansode, Advocate for the Applicants.

Mr. Anand S. Shalgaonkar, APP for the State.

Mr. Arvind D. Aswani, Advocate for Respondent No.2 (Through V. C).

Mr. Sandip Zagade, Head Constable Vaduj Police Station present.

CORAM : RAJESH S. PATIL, J.

DATED : 11 FEBRUARY 2025

P.C.:

1. In the present proceedings, this Court passed an order dated 22 August 2024, granting protection to the present Applicants subject to certain conditions. It was specifically mentioned in condition No. 11 (e) that “the Applicants shall not influence the Informant, witness or any person concerned with the case and shall not tamper with the evidence. They shall co-operate with the investigation.”

2. On 25 September 2024, when the matter was called out, it was

noted that a copy of the Anticipatory Bail Application had not been furnished to the Investigation Officer, for the purpose of serving the proceedings on the victim. Therefore, as a matter of last chance, this Court directed that the Applicants hand overs a copy to the Investigating Officer within two days. The ad-interim protection was continued.

3. On 17 October 2024, when the matter was called out, this Court, upon a prayer being made by the victim, appointed a panel advocate of High Court Legal Service Committee to represent the victim. The interim order was continued.

4. Thereafter, the matter was heard on 5 February 2025, when the APP, on behalf of the State, raised an objection that the mother of Applicant No.1 has filed an F.I.R. against the parents of the victim girl in December 2024, after orders were passed in the present matter. At that time, the learned Advocate appearing on behalf of the Applicant sought time to take instructions as regards to whether the mother of the Applicant No.1 had filed any complaint against the victim's family. Accordingly, the matter was adjourned to 10 February 2025.

5. On 10 February 2025, Mr. Bansode, the learned Advocate for the Applicant made a statement that it was incorrect statement made by the learned APP that the F.I.R. has been lodged by the mother of the Applicant. In fact, an F.I.R. was lodged by Accused No.3, who is not an

Applicant before this Court in the present proceedings. Mr. Bansode at that time furnished a copy of an F.I.R. The learned APP objected and submitted that Advocate Mr. Bansode is making an incorrect statement across the bar, as it is a fact that F.I.R. has been lodged by the mother of the Applicant No.1. He placed on record a photo copy of the said F.I.R. After hearing APP, Mr. Bansode submitted that if an incorrect statement was made by him on instruction of his client this Court can pass an appropriate order. But, time be granted to him to verify from his client the said fact. Only for the purpose of allowing Mr. Bansode to take instructions from his client and matter was adjourned to today

6. Today, Mr. Bansode submitted that the F.I.R. has been lodged by mother of Applicant No.1 under the Atrocities Act against the uncle of the victim. Mr. Bansode further submitted that on 5 February 2025, this Court had granted time to him to verify whether the mother of Applicant No.1 had filed any complaint against the victim's family. According to Mr. Bansode family means only the parents of the victim, and the uncle of the victim cannot be considered part of the family. Mr. Bansode submits that the present F.I.R. is a counterblast to the F.I.R lodged by Accused No.3 under the Atrocities Act on the same date.

7. The learned APP has drawn my attention to the order dated 23 July 2024, wherein it has been recorded that the Accused involved in the

offences are still following her and are pressursing her to withdraw the allegations/complaint filed against them. They have also threatened to kill her parents as well as to commit the offence of **rape**. The order further records that the report of the Investigating Officer itself points out that the accused have not complied with the conditions, which was laid down in the interim orders passed by the Sessions Court.

8. The learned APP has tendered copies of the statements recorded of the witnesses in the present matter. The said statements support the case of the prosecution.

9. The F.I.R. against Accused person has been filed on 17 March 2024 and after this Court had passed certain protective orders, the mother of the Applicant No.2 has filed an F.I.R. under the Atrocities Act against the uncle of the victim girl on 27 August 2024.

10. Taking into consideration the contents of the F.I.R. and the fact that an ad-interim protective order was granted to the Applicants by the Sessions Court and thereafter by this Court, the conduct of the Applicant thereafter does not allow me to take a view that the protective order should be continued. Hence, **the present Anticipatory Bail Application is rejected.**

11. At this stage, Mr. Bansode, the learned Advocate for the Applicant

sought the extension of interim protection. The learned APP has opposed the request made by the learned Advocate for the Applicant. Similarly, Mr. Aswani, the learned Advocate appearing on behalf of Respondent No.2, has also opposed the said request. Hence, the request made by Mr. Bansode is rejected.

(RAJESH S. PATIL, J.)