

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 442 OF 2025

Sagar Kantilal Aswar ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

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Mr. Ranjeet Patil a/w Mr. Dhavalsinh Patil i/by Mr. Prashant Hagare,
for Applicant.

Mr. S. H. Yadav, APP for the Respondent No.1-State.

Mr. Padmakar Joshi, Advocate for Respondent No.2.

Ms. Smita S. Sutar (PI) Cyber Police Station, Ratnagiri, present.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 6th NOVEMBER, 2025

P.C.

1. Applicant is apprehending arrest in Crime No.71 of 2023 registered with Jaygad Costal Police Station, District Ratnagiri for the offences punishable under Sections 376(1), 376(2)(j), 376(3) & 506 of the Indian Penal Code, Sections 4, 8 & 12 of the Protection of Children From Sexual Offences Act, 2012 and Sections 67, 67(B) and 67(A) of the Information Technology Act, 2000.

2. It is prosecution's case that the co-accused sexually assaulted the minor daughter of first informant. He has taken her nude video and sexually assaulted her by threatening that he will make it viral. It is alleged that when the victim was sexually

assaulted by the co-accused, at that time, the applicant was present in the car.

3. It is contention of learned counsel for applicant that the main allegations are against the co-accused. There are no allegations of sexual assault against the present applicant. He was present in the car with co-accused when victim was taken by the co-accused. Learned counsel further submitted that in the First Information Report, name of the applicant is not mentioned. The supplementary statement of the victim was recorded after four days of the incident and name of the applicant is mentioned in the said statement. Considering the allegations against the applicant, his custodial interrogation is not required. Hence, requested to allow the application.

4. It is contention of learned APP along with Respondent No.2 that the applicant was present in the car when co-accused committed atrocities with the victim, which shows involvement of the applicant in the crime. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

5. I have heard all the learned counsels, perused the FIR and documents placed on record. The allegations against the applicant are

that he was present in the car when co-accused was committing atrocities with the victim. There are no specific allegations against the applicant about threatening the victim as well as sexual assault. Considering these facts, his custodial interrogation is not required and I pass following order.

ORDER

- (i) Application is allowed;
 - (ii) In the event of arrest, the applicant be enlarged on bail in Crime No.71 of 2023 registered with Jaygad Costal Police Station, District Ratnagiri on executing P.R.Bond in the sum of Rs.20,000/- with one or two sureties in the like amount.
 - (iii) The applicant shall attend the concerned police station as and when required.
6. The application is allowed in the aforesaid terms and is accordingly disposed off.
7. It is made clear that the above observations are made only for the purpose of granting anticipatory bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.
8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)