

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CR. ANTICIPATORY BAIL APPLICATION NO. 2521 OF 2024

Roma Omprakash Vaishnav	...Applicant
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr. Edgar Braganza, for the Applicant.
Ms. Radhika Mundada i/b. Mr. Mahesh Tiwari, for the Respondent – 2.
Mr. Niwas Garate, PSI, Navghar Police Station present.
Ms. Gauri S. Rao, APP for Respondent – State.

CORAM : ADVAIT M. SETHNA, J.

DATE : 6 OCTOBER 2025

P.C.:

1. The Applicant has preferred this Anticipatory Bail Application as the Applicant apprehends arrest in C.R. No.390 of 2024 registered with Navghar Police Station, Bhayander for the offences punishable under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short “*POCSO Act*”).

2. Briefly, the case of the prosecution as per the FIR is that the Applicant accosted the victim boy, then aged 11 years, on 25 November 2023 at about 2.30 pm, outside the staircase of the building, kissing on his neck and pressing his private parts. When the victim tried to avert the same, the applicant sexually assaulted him by gripping his private parts. It is in such circumstances, that the complaint was made and the FIR

registered.

3. Heard learned counsel for the parties and with their assistance, this Court has perused the record.

4. Parties at the outset, would draw the attention of this Court's order dated 9 September 2024 by which the Applicant was protected. The same was continued by further orders of this Court, which is in force until date.

5. It appears from the record that there are cross complaints filed in these proceedings, by the Applicant's elder sister against informant's husband alleging offences, inter alia, under Section 354 of the IPC. The said complaint is filed much prior to the present FIR lodged at the instance of the informant against the Applicant which could be in the nature of a counter blast to such prior complaint. This would, of course, be the subject matter of the investigation which is now culminated in the charge-sheet. Also, there is an inordinate delay of about 7 months in lodging the FIR i.e. on 29 June 2024 as against occurrence of the alleged incident on 25 November 2023. There is no justification much less explanation to explain such inordinate delay in lodging the FIR.

6. The learned APP on instructions would submit that the charge-sheet is filed on 30 April 2025. In any event, there is nothing adverse reported against the Applicant by the prosecution. Her presence can be secured at the time of trial.

7. For the above reasons, considering the fact that the charge-sheet is

filed meaning thereby the investigation is complete, at this stage, coupled with the fact that there are no aggravating factors which would justify her detention, in the given factual complexion, a *prima facie* case is made out for grant of anticipatory bail. Further, in my view, in the given factual matrix, custodial interrogation of the Applicant is not warranted, at this juncture. *Prima facie*, in my view, interest of justice would be served by passing the following Order:-

ORDER

- (i) Interim order dated 9 September 2024 is confirmed.
- (ii) In the event of arrest of the Applicant in connection with C.R.No.390 of 2024 registered with Navghar Police Station, Bhayander for the offences punishable under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or more sureties in the like amount.
- (iii) The Applicant shall co-operate with the investigation and shall attend the concerned Police Station as and when required by the Investigating Officer.
- (iv) The Applicant shall furnish details of residential address and other contact details such as mobile number etc. to

the concerned police station. If there is any change in the contact details, the same shall be immediately intimated to the concerned police station.

(v) The Applicants shall obtain order of competent Court before leaving State of Maharashtra.

(vi) The Applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the police officer.

(vii) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the complainant or any witness in any manner whatsoever.

8. Needless to mention that the observations made above are *prima facie* for the purposes of adjudicating this Application.

9. Anticipatory Bail Application is **Allowed/Disposed Of**.

[ADVAIT M. SETHNA, J.]