



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2738/2024

PRASHANT ARUN SHINDE ..APPLICANT
VS
THE STATE OF MAHARASHTRA & ORS. ..RESPONDENTS

Adv. Narayan Pawar for the applicant.
Mr. Anand Shalgaonkar, APP for the State.

CORAM : RAJESH S. PATIL, J.

DATE : MAY 7, 2025.

P.C. :

1. This application is filed under Section 438 of the Code of Criminal Procedure, 1860 for seeking pre-arrest bail in connection with the First Information Report (FIR) No.1186/2023 registered with the Shikrapur Police Station, Pune Rural, for the offence punishable under Sections 354 of the Indian Penal Code (for short 'IPC') read with Sections 8 and 12 of the Protection of Children from Sexual Offences Act (for short 'POCSO').

2. As per the complaint filed by the mother of the victim girl, the offence has been registered under the POCSO Act and under the IPC. The victim girl at the relevant time was aged 13 years and 2 months. The present applicant was aged around 28 years at the relevant time.

The father and mother of the victim girl used to stay separately due to marital discord. The mother of the victim alleged that on 9/12/2023, at about 9.30 p.m., when the victim girl had been to her house at Shikhrapur. The victim girl went to sleep at the house of her mother's friend. Around 11.00 p.m., in the night, the victim girl came back crying to her mother – informant. When she was asked by her mother the reason why she was crying, the minor girl told her mother that she had been acquainted with the applicant at Instagram. When she had been to the home of the friend of the informant, the applicant whose full name was not known to the victim girl, called the victim girl on the terrace of one Ms. Jyoti. When the victim girl went on the terrace, the applicant started physically abusing the victim girl. As the victim girl started crying, the applicant ran away from the said terrace. Hence, the victim girl came back to her mother and narrated the incident. The informant being a mother, thereafter, called her husband and informed him about the incident, accordingly, the informant along with her husband lodged the police complaint.

3. It is argued before me by the learned APP that the statement of the victim girl was recorded by the police on 26/4/2025 and in the said statement, the victim girl has further stated that the applicant has contacted her, and he is insisting her to withdraw the complaint

lodged against him by her. As the applicant had taken a defence that the victim girl had now got married and taken photograph of the victim girl with a boy. The victim girl when she was confronted with the photograph, she has stated in her statement that she is not at all married, she is studying in 10th standard. She further submitted that the photograph of her with a boy, is her maternal brother, being the son of her Mama. She further stated that the said photograph has been probably downloaded by the applicant from the Instagram account of the victim girl by way of a screenshot.

4. The learned APP has also submitted that today morning, the JMFC, Shirur has recorded the statement of the victim girl under Section 164 and he has been informed by the IO that in her statement the victim girl has repeated what she has been stated before the police. The learned APP submitted that even though this Court has specifically directed to the applicant not to contact the victim girl and not to influence the informant, witnesses and other persons concerned with the case. The applicant has violated the said condition and contacted the victim and pressurize to withdraw the complaint.

5. In the order dated 25/4/2025, I recorded the statement of the

learned APP in paragraph no.2. The said paragraph no.2 reads as under:-

2. The learned A.P.P points out that pending the anticipatory bail application, the present applicant has moved to the Court of Sessions and has made incorrect statement that this Court has granted protection from being arrested to the present applicant. The learned A.P.P has referred to the judgment of the Supreme Court in case of *Rukmani Mahato vs. State of Jharkhand, (2017) 15 SCC 574*.

6. Considering the contents of the FIR, the statement of the victim girl recorded under Section 164 by the JMFC, Shirur, I am convinced that the present anticipatory bail application deserves to be rejected.

7. The anticipatory bail application stands rejected and disposed of accordingly.

(RAJESH S. PATIL, J.)