

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

Anticipatory Bail Application No.3135 of 2024

Roshan Anant Bari

Age: 39 yrs, Occ: business

R/o House No.1908, Dahanu

Chinchani road, Gungwada,

Dhitam Aali,

Tal-Dahanu, Dist.Palghar

... Applicant.

Vs.

1. The State of Maharashtra

(Vangaon police station)

2. XYZ

... Respondents.

Mr Virendra Verma i/by Munira Palanpurwala for the applicant.

Mr Anand Shalgaonkar, APP for the respondent / State.

None for respondent No.2.

PSI Shivkumar Nandgave Vangaon police station, Palghar.

Coram : R.N.Laddha, J.

Date : 21 July 2025.

P.C. :

By this application, the applicants seek pre-arrest bail in connection with CR No.81 of 2024, registered at Vangaon Police Station, Palghar, for offences punishable under Sections 74, 75, 78, 351(2) of the Bharatiya Nyaya

Sanhia (BNS), 2023, and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The learned Counsel for the applicant submits that the offences alleged against the applicant do not attract a punishment exceeding five years of imprisonment under the relevant legal provisions. The applicant has been under the interim protection since 12 December 2024 and has extended full cooperation to the investigating agency throughout the course of the investigation. Additionally, the learned Counsel, on instructions from the applicant, states that the applicant will not enter the jurisdiction of the village where the victim resides till the conclusion of trial. The learned Counsel further submits that, the investigation, as it stands, has been completed, and nothing remains to be recovered or discovered from the applicant. The learned Counsel also highlights the considerable delay in lodging the FIR, and submits that the delay casts doubt on the veracity of the allegations. Lastly, the learned Counsel assures the Court that the applicant is willing to comply with all the conditions imposed by this Court.

3. The learned APP submits that the offence is of a grave and serious nature, particularly given that the victim was a minor at the time of the incident. The statements of the witnesses corroborate the presence of the applicant at the scene on the date and time in question. Nonetheless, the learned APP fairly concedes that the investigation in the present case has been concluded, and nothing is to be recovered or discovered from the applicant.

4. Upon perusing the records, it appears that at the relevant point in time, the victim was 17 years 5 months and 17 days old. The applicant has been under the protection of interim relief since 26 November 2024. During the course of investigation, the applicant cooperated fully with the investigating agency, having reported to the police station on approximately six to seven occasions. The investigation has now been completed, and the charge sheet has also been filed.

5. In light of these circumstances, the interim relief granted on 26 November 2024 is hereby confirmed and made absolute, subject to the same terms and conditions as

stipulated earlier. In addition, the applicant shall strictly refrain from contacting any of the prosecution witnesses in any manner whatsoever. Furthermore, as undertaken, the applicant shall not enter or remain within the jurisdictional limits of the village Mangela Aali, Gungwada, Dahanu, where the victim resides, until the conclusion of the trial proceedings.

[R. N. Laddha, J.]