

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3232 OF 2024

Anirudhha alias Dada Bhalchandra ...Applicant
Trikurde
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. Ramprasad Deore i/by Ms. Neha Kokare, for the Applicant.
Mr. Sameer M. Mangaonkar, APP, for the Respondent-State.
Mr. Ghanshyam Jadhav, for Respondent No.2.
Ms. R.B. Pawar, Baramati City Police Station, Pune Rural, present.

CORAM : MADHAV J. JAMDAR, J.
DATED : 17th November 2025

P.C.:

- 1.** Heard Mr. Ramprasad Deore, learned Counsel for the Applicant and Mr. Mangaonkar, learned APP for the Respondent-State.
- 2.** By this application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), the Applicant is seeking pre-arrest bail in connection with C.R. No.725 of 2024 registered with Baramati City Police Station, Pune Rural, for the offences punishable under Sections 64, 65(2), 351(2), 353(3) of the Bharatiya Nyaya Sanhita, 2023 ("BNS"), Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012 ("POCSO Act") and Sections 3(1)(r),

3(1)(s), 3(1)(w)(i) and 3(i)(w)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (“SC and SC Act”).

3. As per the prosecution case, the Applicant has sexually assaulted the victim on 17th September 2024 and molested the victim on 3rd October 2024.

4. It is the case of the Applicant that the wife of the Applicant has been sexually assaulted and gang rape is committed on the wife of the Applicant by about 7 persons including Manoj Savale and Saurav Sanjay Zende i.e. the maternal uncles of the present First Informant and therefore false F.I.R. is lodged.

5. On the other hand, Mr. Mangaonkar, learned APP and Mr. Jadhav, learned Counsel appearing for the First Informant strongly oppose the Anticipatory Bail Application and submit that the offence is very serious where the First Informant of 16 years old is sexually assaulted and the Applicant has committed very serious and grave offence of rape. Both of them therefore submit that the Anticipatory Bail Application be rejected.

6. Perusal of record shows that a learned Single Judge (Manish Pitale, J.) by detailed Order dated 4th December 2024 has granted interim protection. Paragraph Nos. 4, 6, 7 and 8 of the said Order are relevant, which read as under :

“4. The learned counsel for the applicant submits that the subject FIR is nothing but a counter-blast to an earlier complaint lodged by the wife of the applicant against four

specifically named persons, who were said to be accompanied by three unknown persons with regard to an incident that took place on 03.10.2024 itself. It is further submitted that in the subject FIR, the serious allegation regarding penetrative sexual assault pertained to an alleged incident of 17.09.2024, while FIR has been registered much later on 04.10.2024.”

“6. This Court has perused the documents filed along with the present application. At page 39 (exhibit - C), the applicant has placed on record copy of a complaint lodged on 03.10.2024 by the wife of the applicant, alleging that when the applicant was not at home, four named persons, accompanied by three unknown persons, visited the house of the applicant. They allegedly threw the minor child of the applicant while trying to look for the applicant in the house and thereafter dragged the applicant's wife in the bedroom and committed rape on her. A copy of the document at exhibit C, original whereof is tendered by the learned counsel for the applicant for perusal of this Court, shows that there is indeed an acknowledgment given by the concerned police officer of Baramati City Police Station. It is surprising that despite such grave allegations made in the written complaint lodged by the wife of the applicant, the FIR was not registered. The document also shows that in such a situation, the applicant's wife was constrained to send a written complaint to the Superintendent of Police, Pune and yet, till date, no action appears to have been taken in that regard.

7. According to the applicant, two of the persons named in the aforesaid written complaint submitted by his wife are related to the informant in the present case. This allegation will have to be investigated by the investigating officer.

8. In this backdrop when the statement of the informant leading to registration of the subject FIR is perused, it comes to light that the serious allegation regarding penetrative sexual assault pertains to 17.09.2024, while the

FIR has been lodged after considerable delay, on 04.10.2024. There is further reference to an incident that allegedly took place on 03.10.2024 at about 4:00 p.m. in the afternoon but the allegation therein would be, at the most, relatable to the offence under Section 8 of the POCSO Act.”

7. Thus, a learned Single Judge has recorded that although it is the contention that very serious offence of rape has been committed on the Applicant’s wife by 7 persons including two maternal uncles of the First Informant, no action has been taken by the Police. A learned Single Judge also taken into consideration that the allegation regarding penetrative sexual assault on the First Informant is dated 17th September 2024, whereas F.I.R. has been lodged after considerable delay i.e. on 4th October 2024. The Charge-sheet has already been filed on 27th January 2025.

8. Thus, in the facts and circumstances, Anticipatory Bail Application can be granted, however, by imposing stringent conditions, as at the time of incident, the victim was 16 years old.

9. Mr. Jadhav, learned Counsel for the First Informant, submits that the First Informant at the time of the incident was of 16 years and presently also she is a minor of 17 years and therefore the Applicant be directed to stay outside Baramati Taluka. In view of said contention of the learned Counsel for the First Informant, Mr. Deore, learned Counsel for the Applicant states that the Applicant will stay outside Baramati

Taluka and he will stay with his Cousin Brother- Santosh Mahapari at Village Sakharwadi, Taluka Phaltan, District-Satara.

10. Accordingly, the Applicant can be released on bail by imposing stringent conditions. In view thereof, the following order:-

ORDER

- (a) In the event of arrest, of the Applicant - Anirudhha alias Dada Bhalchandra Trikurde in connection with C.R. No.725 of 2024 registered with Baramati City Police Station, Pune Rural, he be released bail on executing P.R. Bond of Rs.25000/- and furnishing one or two solvent sureties in the like amount.
- (b) The Applicant shall attend the Phaltan Gramin Police Station, Phaltan Division, Satara Road, Baraskar Galli, Phaltan, District-Satara once in a week i.e. on every Sunday between 11.00 a.m. and 2.00 p.m. till the conclusion of the trial. The Police Inspector of Phaltan Gramin Police Station, Phaltan, District-Satara to communicate details thereof to the Investigating Officer.
- (c) The Applicant shall not enter the limits of Baramati Taluka except for reporting to the Investigating Officer, if called and for attending the trial.
- (d) The Applicant shall furnish his cell phone number and residential address i.e. outside the limits of Baramati Taluka to the Investigating Officer and shall keep the same updated, in case of any change thereto.

- (e) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witnesses in any manner.

11. The Anticipatory Bail Application is disposed of accordingly.

BHALCHANDRA
GOPAL
DUSANE

Digitally signed by
BHALCHANDRA
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Date: 2025.11.18
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[MADHAV J. JAMDAR, J.]