



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 285/2025**

AMIT PADMASINGH DEVKATE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

Mr. Prashant S. Hagare for the applicant.
Mr. Nitin B. Patil, APP for the State.
PSI Amit G. Patil, Bhigwan Police Station, Pune Rural.

CORAM : RAJESH S. PATIL, J.

DATE : FEBRUARY 7, 2025.

P.C. :

1. The applicant has filed this application for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with C.R.No.274/2924 for the offence punishable under Sections 189(2), 191(2), 190, 76, 333, 352, 351(2), 115(2), 118(1) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 8, 12 of the Prevention of Children from Sexual Offence Act registered at Bhigvan Police Station, Taluka Indapur, District Pune.

2. It is the case of the prosecution that the informant is cousin brother of the victim. On 28th August 2024, at about 2.00 p.m., the informant heard screams of his cousin sister, hence, he went to her

house where he found accused no.1 and accused no.2 (the present applicant). He saw that his cousin sister – victim's clothes were torn. On enquiry, the victim told him that as she had refused to accept the love-ship of accused no.1 Rohan Gaikwad, hence, both the accused i.e. accused no.1 and accused no.2 (the present applicant) torn her clothes and outraged her modesty. When the informant reached at the site, both the accused fled away. After some time, the parents of the victim and the informant along with other family members came on the spot. The informant narrated the incident to all of them. At that time, the informant received the telephonic call from the present applicant/accused no.2 and the present applicant on phone started abusing the informant in filthy language and further told him to come down. As the informant went down, he saw that both the accused had called other accused persons. The accused persons who were waiting down, as soon as the informant came down the accused Atul Devkate caught the informant while accused no.1 started giving blows of iron rod on his head. They also bet the informant with brick and fist and kick blows. Further, the accused Atul Devkate threatened the informant that he will shoot him if he lodged the police complaint. After all the accused had left, the informant was rushed to hospital and after taking treatment at the hospital, he lodged the FIR

against the accused with the police.

3. The learned counsel for the applicant submits that most of the accused have been released on bail and the charge-sheet has been filed by the police against accused no.1 against whom there are allegations in the FIR. As far as the present applicant is concerned, though he has been arrayed as accused no.2, he has no role to play. It was the love affair between the victim and the accused no.1 and the accused no.1 has been granted bail by the trial Court. Therefore, the learned counsel for the applicant submits that this Court should allow the present application.

4. The learned APP on instructions of the I.O. submits that the iron rod has not been recovered. There are criminal antecedents reported against the present applicant, and he is out of bail in one of the offence. As regards the victim, it was found that accused nos.1 and 2 had torn her clothes and outraged her modesty. Therefore, it is necessary that the present applicant should be arrested.

5. I have considered the arguments of the learned counsel for the applicant and the learned APP for the State.

6. Accused no.1 and the present applicant were found in the house of the victim, when they tried to disrobe her and her clothes

were torn. The victim girl was aged 17 years old at the time of the incident. On hearing her screams, the informant who is her cousin brother reached her house and rescued her. The present applicant, had thereafter telephonically call the informant and had abused the informant in filthy language and had further asked the informant to come down. By the time, the informant got down, the present applicant had called all other accused and there were ten people waiting down. One of the accused Dhiraj gave a blow of iron rod on the head of the informant. The informant was beaten up by all of them by fist and kick blows. The informant, was thereafter, taken to the hospital. It is pertinent to note that the Sessions Court had rejected the anticipatory bail of the present applicant on 24th October 2024. The present application has been filed on 6th January 2025. The praecipe for urgent circulation was moved only on 5th February 2025. Taking into consideration that there are criminal antecedents reported against the present applicant, according to me, his custody would be required by the police as they have to make investigation. Hence, there is no merit in the application. **The same is rejected and disposed of accordingly.**

(RAJESH S. PATIL, J.)