

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

ANTICIPATORY BAIL APPLICATION NO.602/2025

SAGAR S/O DAULAT BHAVAR	...APPLICANT
VS	
STATE OF MAHARASHTRA	...RESPONDENT

...

Adv. Dhanaji S. Kudle for the Applicant.
Adv. Niting B. Patil, APP for the Respondent State.
Adv. Lakshmi Raman for Respondent No.2.(through Legal Aid.)

...

CORAM : RAJESH S. PATIL, J.

DATED : APRIL 7, 2025

P.C.:

1. By an order dated 12 March 2025, interim protection granted to the present applicant. For ease of reference, the said order is reproduced herein below :

“1. The learned Advocate for the Applicant seeks liberty to amend the Anticipatory Bail Application and add the first Informant as a party Respondent No.2. Liberty is granted, as prayed for.

2. Amendment to be carried out forthwith.

3. It is made clear that if the amendment is not carried out, the anticipatory bail application will stand dismissed without further reference to this Court.

4. The learned Advocate for the Applicants to serve copy of the Anticipatory Bail Application to newly added Respondent No2.

5. This an application under section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023, for grant of anticipatory bail to the applicant-accused in connection with C.R. No.70 of 2025 registered at Malegaon Taluka Police Station, for the offence punishable under Section 74, 76, 127(2), 324(4), 115, 352, 351(2) and 3 (5) of the Bhartiya Nyaya Sanhita, 2023.

6. In the FIR, it is alleged that the applicant called the informant

to the office of the Grampanchayat in the morning through the peon of the Grampanchayat. When the informant arrived at the Grampanchayat office, the applicant closed the door and outraged her modesty. Thereafter, when the informant shouted for help, people standing outside the office rescued her. As the informant came out of the office, her mother tried to console her, but the supporters of the applicant started shouting at both the informant and her mother. Subsequently, the informant lodged an FIR.

7. Since Sections 74 and 76 of the BNS Act-offences against women-have been invoked. Issue notice to the informant, returnable on 26 March 2025.

8. The applicant is directed to attend the office of the Investigating Officer on 17 March 2025, 18 March 2025, 19 March 2025 and 20 March 2025 between 11:00 a.m. to 1:00 p.m.

9. Stand over to **26 March 2025** under the caption "**For Urgent Circulation**".

10. In the meanwhile, no coercive steps will be taken against the applicants until the next date of hearing. Further, the applicant shall refrain from contacting the victim, their family members, or their relatives in any form, including online messages, until further orders of this Court."

2. There was a rivalry between the applicant and the first informant as the husband of the first informant was defeated by the applicant in the Grampanchayat Election and only as a revenge, on the false ground, the present FIR has been lodged.

3. The learned counsel for the applicant submits that the applicant had remained present in the office of the investigating officer from 17 March 2025 to 20 March 2025 and has co-operated with the police. Therefore, the custody of the present applicant is not at all necessary.

4. Ms. Raman, learned counsel for respondent no.2 submits that the custody of the present applicant would be necessary as the

offences is of serious nature.

5. The learned APP submits that the investigating officer, due to some other duty, has not been able to attend the Court proceedings.

6. I have heard the counsel for the parties and have gone through documents on record. By order dated 26 March 2025, the learned APP was specifically directed that the concerned investigating officer should remain present before this Court. So also, the learned APP was directed that the said order should be informed to the concerned investigating officer immediately. Even then, the investigating officer has chose not to attend the Court proceedings.

7. The senior of the said investigating officer should take into consideration the acts of the said investigating officer, who is not bothered about the Court proceedings. The senior PI of the concerned Police Station along with DCP of the concerned Police Station should initiate action against the investigating officer for not obeying the Court order.

8. As regards the merits of the present proceedings are concerned, as narrated in the FIR, it has been alleged that the applicant called the informant in the office of the Grampanchayat in the morning through a peon of the Grampanchayat. It is further stated that thereafter when she arrived at the office of the Grampanchayat, the

present applicant closed the door and outraged her modesty. When the first informant shouted for help people, who were standing the outside of the office, rescued her. Amongst those people, even the mother of the first informant was present outside the office of the Grampanchayat. Thereafter the mother of the first informant consoled the first informant. Thereafter, there were exchange of words between the first informant and her supporters and the applicant and his supporters outside the Grampanchayat office.

9. As per the counsel appearing for the applicant there was a rivalry between the applicant and the first informant's husband on, he was defeated by the present applicant in the Grampanchayat Election. At this *prima facie* stage, considering what has been shown to me in the FIR and the documents on record. In the morning, the first informant entered in to the office of the Grampanchayat and thereafter, the door was closed. However, nowhere it has been mentioned that the door was locked from inside. The first informant works for the Bachat Gat and the people who were outside of the Grampanchayat were known to her. Already there were some differences between the first informant and the applicant, who is the Sarpanch of the Grampanchayat.

10. Therefore, I am of the view that it will be a matter of doubt whether anything as mentioned in the FIR has actually taken place or not ? Today, at this stage, *prima facie* there is no evidence before me to

show that the alleged act was committed. Additionally, there are no antecedents reported against the present applicant. At this stage the custody of the present applicant would not be necessary. Therefore, the present anticipatory bail application of the applicant needs to be allowed. Hence, I pass the following order.

ORDER

- (a) **This anticipatory bail application is allowed.**
- (b) In the event of arrest in connection with C.R.No.70/2025 registered with Malegaon Taluka Police Station, Nashik Rural the applicant shall be released on bail, on furnishing P.R. bond to the extent of Rs.30,000/- with one or two sureties of the like amount.
- (c) The applicant shall attend and meet the investigating officer of the concerned police station on 15 April 2025 and 16 April 2025 between 11.00 a.m. to 1.00 p.m. and thereafter, as and when called upon to do so.
- (d) 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 him from disclosing the facts to the Court or any Police Officer and further, the applicant shall not tamper with the evidence in any manner whatsoever.
- (e) The applicant shall furnish the details of his

residential address, contact number and email address to the Investigating Officer.

11. **This anticipatory bail application is disposed off as allowed.**

(RAJESH S. PATIL, J.)