

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 696 OF 2025

ATHARV PARESH PARKAR

..... APPLICANT

VERSUS

THE STATE OF MAHARASHTRA & ANR. RESPONDENTS

Mr. Visshaal Dadasaheb Khetre for the Applicant.

Ms. Supriya Kak, A.P.P. for the State.

Mr. Tejas Dande a/w. Ms. Mansi Dande for the Respondent No.2.

CORAM : RAJESH S. PATIL, J.

DATE : 16th APRIL, 2025

P.C. :-

This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Crime No. 0748/2024 dated 9th August, 2024 registered with Rabodi for the offence punishable under Sections 308(3), 75, 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 12 of the Protection of Children From Sexual Offences Act, 2012 (POCSO Act) and Section 67(B) of the Information Technology Act, 2000.

2. Mr. Khetre, the learned counsel appearing for the applicant

submits that as far as the family of Parkar is concerned, they will be shifting to their flat at Parvati Co-operative Housing Society Thane from 1st May, 2025.

3. As regards the family of Mr.Rajesh Vasudev Dhavan is concerned, he submits that Mr.Rajesh Dhavan is staying on leave and licence premises in Saket Complex. There is lock-in period of three years and the said lock-in period will end in the month of July 2026. In any case, he is going to make arrangement for his son - Mr. Rahul Rajesh Dhavan, who is now working to stay in different place, which will be out of Saket Complex, either as a paying guest or in a relative's house. The statement made by Mr.Khetre, the learned counsel for the applicant on behalf of his client is accepted as a statement/undertaking given to this Court.

4. Mr.Khetre has also raised a doubt whether the wife of Advocate Mr.Paresh Parkar, who is a beautician, can attend to her clients and do her business in Saket Complex and whether the said business can be conducted in Flat No. B6/704, Saket Complex, Rustomjee Urbania, Majiwada, Thane 400 601.

5. It is hereby clarified that the restrictions which are imposed by this Court are more particularly with regard to Mr.Atharv Parkar and

Mr. Tanish Parkar. There is no restriction as far as Advocate Mr. Paresh Parkar is concerned and his wife is concerned. Both of them, the husband and wife, are free if they wish to visit Saket Complex and more particularly that Flat No. B6/704.

6. This Court on 12th March, 2025 has passed the following order :-

1. After the matter was argued for some time, Mr. Khetre, the learned Advocate for the applicant, submitted that the name of the present applicant was not mentioned in the FIR. It was only after a statement under Section 164 was recorded that his name was added. He further submits that Atharva Tanish Parkar's younger brother and Mr. Rahul Dhavan are the accused whose names appear in the FIR. Both of them were arrested and have been granted regular bail.
2. He also submits that there is an ongoing marital dispute within the family. As far as the remand report is concerned, a copy of the same has been enclosed at page 80 of the present proceedings, wherein details of both accused persons are mentioned.
3. Mr. Khetre further submits that his client is in the process of disposing of his flat and purchasing another flat away from the area where the victim girl resides. He also mentions that there has been an unfortunate incident in the applicant's family, as his grandmother passed away on 3 March 2025. He, therefore, seeks some time to take instructions from his client's father, which he intends to complete within two weeks from today.

4. The learned APP submits that although the anticipatory bail applications of accused Tanish Parkar and accused Rahul Dhavan were granted regular bail, the State is in the process of deciding whether it will file an application for cancellation of their bail.

5. The learned APP further submits that the Investigating Officer is present in Court and is taking steps to collect the mobile phone of accused Rahul Dhavan along with its password.

6. Mr. Deshpande, the learned Advocate for the informant, seeks a short accommodation to take instructions from his client.

7. In the meantime, the applicant is directed to attend the office of the Investigating Officer on 20 March 2025 between 11:00 a.m. and 1:00 p.m. The applicant is expected to hand over his mobile phone along with its password to the Investigating Officer. It has been stated today that the mobile phone of the present applicant has already been handed over to the Investigating Officer by the applicant's younger brother, Tanish.

8. In these circumstances, if the present applicant still possesses any mobile phone, he is required to hand it over to the Investigating Officer along with its password. If he believes that Tanish has always had the mobile phone or still possesses it, then the same must be handed over to the Investigating Officer with its password.

9. Till the next date of hearing, the applicants shall refrain from contacting the victim, her family members, or her relatives in any manner, including through online messages. Furthermore, they shall not enter the premises of A2, Saket Complex, Rustomjee Urbania, Majiwada, Robodi, Thane. They are also prohibited

from going near the school where the victim girl studies and from entering the playing area of the complex.

10. Stand over to 26 March 2025 under the caption “For Supplementary Board.”

6. Considering the submissions of the learned counsel for the applicant, also learned hearing counsel for the respondent no.2 and the learned A.P.P., the name of the applicant does not appear in the FIR. His name was added only after the statement under Section 164 of the Code of Criminal Procedure, 1973 was recorded. There are no criminal antecedents of the applicant as of now, I am convinced that the present anticipatory bail application requires to be allowed. The present anticipatory bail application is allowed. Hence, the following order :-

ORDER

(a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with Crime No. 0748/2024 dated 9th August, 2024 registered with Rabodi for the offence punishable under Sections 308(3), 75, 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 12 of the Protection of Children From Sexual Offences

Act, 2012 (POCSO Act) and Section 67(B) of the Information Technology Act, 2000, the applicant shall be released on bail, on furnishing P.R. bonds to the extent of Rs.20,000/- with one or more sureties of the like amount.

(c) The applicant shall co-operate with the investigation and attend and meet the Investigating Officer of the concerned Police Station on 28th April, 2025 between 11:00 a.m. to 1:00 p.m. and thereafter as and when called.

(d) The applicant should not directly or indirectly contact the victim girl first informant, family of the first informant or any witnesses in any form whatsoever.

(e) The applicant will not visit Saket Complex for any purpose and in dire circumstances, will not visit Saket Complex, without leave of this Court till the trial is completed.

(f) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from

disclosing the facts to Court or any Police Officer and further, the applicants shall not tamper with the evidence in any manner whatsoever.

(g) The applicant shall furnish details of his residential addresses, contact numbers and e-mail addresses to the Investigating Officer.

7. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present application, and that the trial Court shall proceed further, without being influenced by the observations made in this order.

8. **The anticipatory bail application is disposed of.**

[RAJESH S. PATIL, J.]