

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

Anticipatory Bail Application No.725 of 2025

Jitendra Dnyaneshwar Marathe

Age: 26, Occu: Service

R/o. Borgaon BK. Tal. Erandole,

Dist. Jalgaon.

... Applicant

versus

1. The State of Maharashtra

At the instance of

Kagal Police Station

Vide C.R. No.19 of 2025

2. XYZ

... Respondent

Mr Ramanik Pawar, a/w. Ms Samiksha Pawar, Mr Rahul Gupta
and Mr Sameer Shaikh, i/b. Ms Arti Bajpai, for the applicant.

Mr SV Walve, APP, for respondent No.1/ State.

Ms Vilasini Balasubramanian, for respondent No.2.

IO-PSI/RT Tavre, Kagal Police Station, Kolhapur, is present.

Coram: R.N. Laddha, J.

Date: 31 July 2025.

P.C.:

. By this application, the applicant seeks pre-arrest bail in
connection with CR No.19 of 2025, registered at Kagal Police

Station, Kolhapur, for offences punishable under Sections 137 and 318(2) of the Bharatiya Nyaya Sanhita, 2023, and Section 12 of the Protection of Children from Sexual Offences Act, 2012.

2. According to the prosecution, the victim's grandmother reported that, on 9 January 2025, an unknown individual lured and abducted the victim from her lawful custody. The investigation revealed that the victim was taken to Dharangaon, Jalgaon, by accused No.1, after being enticed by the applicant, who impersonated as an IPS officer. The victim was acquainted with the accused No.1 and the applicant through conversations on Snapchat. It was further revealed that accused No.1, who worked at a gas agency and had previously visited the informant's home, had taken gold earrings from the victim and given her a mobile phone. He then took her to Dharangaon by train to deliver her to the applicant.

3. The learned Counsel appearing on behalf of the applicant asserts the applicant's innocence and contends that the applicant has been falsely implicated in the crime. He submits that the victim, by her own free will, came to Dharangaon, and the applicant never enticed her. There are no allegations of sexual assault against the applicant. Furthermore, all allegations

are directed towards accused No.1, who has already been released on bail. The learned Counsel further submits that the applicant has no criminal antecedents and is ready to abide by any conditions imposed by this Court, including surrendering his mobile phone.

4. The learned Additional Public Prosecutor representing the respondent/ State opposes the applicant's request for pre-arrest bail and contends that the offence is of a serious nature. He submits that the victim's statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, specifically states that accused No.1 took the victim to Dharangaon to meet the applicant. The learned APP, on instructions, further submits that the investigation is almost complete, and apart from the applicant's mobile phone, nothing remains to be recovered or discovered from him. However, he raises concerns about potential evidence tampering and witness influence if the applicant is granted pre-arrest bail.

5. This Court has given anxious consideration to the rival contentions and perused the records. From a perusal of the victim's statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, it appears that the victim got acquainted with the applicant and accused No.1 in July 2024

through a social media app known as 'Snapchat'. Accused No.1 worked in a gas agency and visited the informant's house for work. Upon meeting him in person, the victim requested him to procure a phone for her in exchange for her gold earrings. On 9 January 2025, the victim's sister-in-law opposed the victim's use of the phone given by accused No.1. In anger, the victim left the house and met accused No.1 at the bus depot to go to Kolhapur Railway Station. From there, they boarded a train to Jalgaon to meet the applicant. The victim contacted the applicant from a stranger's phone, and he asked her to come to Dharangaon. At the railway station, the applicant's younger brother received the victim and took her to Erandol by rickshaw. There, the victim met the applicant, who asked her to wait till his duty ended for the day. Thereafter, upon receiving a phone call from the police about the victim, the applicant's brother took her to Dharangaon Police Station, where her parents later arrived. *Prima facie*, there are neither any allegations of sexual assault nor kidnapping against the applicant. The victim left the house and travelled to Dharangaon with accused No.1, who has been released on bail. The learned APP fairly acknowledges that the investigation is nearing completion, and apart from the recovery of the applicant's mobile phone, there is nothing to be recovered or discovered from him. The learned Counsel for the applicant, on

instructions, submits that the applicant is ready to surrender his mobile phone and abide by any conditions this Court imposes. The prosecution's apprehensions about evidence tampering and witness influence can be addressed by imposing suitable conditions. Considering the allegations and the stage of the investigation, this Court is inclined to exercise its discretion in favour of the applicant. Hence, the following order:

ORDER

- (i) In the event of the applicant's arrest in CR No.19 of 2025, registered at Kagal Police Station, Kolhapur, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties of the like amount.
- (ii) The applicant shall attend the concerned Police Station on 4 August 2025 to surrender his mobile phone, and thereafter, as and when required by the investigating officer.
- (iii) The applicant, himself or through any other person, shall not indulge in any activities that may lead to tampering with evidence or exerting influence over witnesses.

(iv) The applicant, himself or through any other person, shall refrain from contacting the victim in any manner whatsoever.

6. The application stands disposed of accordingly.

(R.N. Laddha, J.)