



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 738/2025**

RAJKUMAR KRISHNA NAIDU ..APPLICANT
VS
THE STATE OF MAHARASHTRA AND ANR ..RESPONDENTS

Adv. A. A. Mane for the applicant.
Ms. Rutuja A. Ambekar, APP for State.
API Sachin Dhamane, Vimantal Police Station, Pune City.

**CORAM : RAJESH S. PATIL, J.
RESERVED ON : MARCH 25, 2025.
PRONOUNCED ON: MARCH 27, 2025.**

ORDER :

1. This application is filed under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for seeking pre-arrest bail in connection with the First Information Report (FIR) No.451/2024 registered with the Vimantal (Airport) Police Station, Pune City, for the offence punishable under Section 79 of the Bhartiya Nyaya Sanhita, 2023 read with Section 12 of the Protection of Children from Sexual Offences Act.

2. The case of the prosecution as per the FIR is that the informant who is mother of victim aged about 13 years, made an allegation that on 12/9/2024, at around 8.30 p.m., the victim informed that while

she was playing in the parking area of their residential building, one uncle i.e. the present applicant used to see her with inappropriate manner since last two months. The victim further stated to the informant that while children were playing in front of the road, the applicant used to shout at the children on the road and asked them to go home and thereafter, the applicant used to make different faces. The victim stated that it is unbearable for her so she made complaint with the informant. The informant narrated the incidence to her husband. Thereafter, the husband of the informant informed the said fact to their flat owner. The informant further stated that the applicant has abused her husband on 13/9/2024. Therefore, she filed the present FIR.

3. The learned counsel for the applicant submitted that the applicant is running general store in front of the house of the victim. The applicant and the victim are residing in the same vicinity. The applicant has not committed any offence. He is falsely implicated in the present crime. There is dispute between the informant and the applicant. However, the police has not accepted the complaint of the applicant. It is further submitted that applicant is ready to cooperate with the police and prayed for grant of pre-arrest bail.

4. The learned APP has strongly opposed this pre-arrest bail application and submitted that, offence is of serious nature. Statement of other girls have been recorded who used to play with the victim girl. One girl has confirmed that the applicant used to make improper gestures to the victim girl. The custody of the present applicant is necessary for further investigation. Therefore, this pre-arrest bail application should be rejected.

5. I have heard the learned counsel for the applicant and the learned APP for the State. I have also gone through the FIR and the documents on record.

6. The age of the victim is only 13 years. The applicant is 62 years old. According to the victim, the applicant used to steering her and making different types of gestures towards her. The IO has recorded statement of other girls, who used to play with the victim girl. One of the girl has specifically narrated that the applicant used to make gestures to the victim girl. The applicant has a shop in same locality where the victim resides, therefore, there is likelihood of the tampering of the evidence and threatening the victim (who is minor) and to other witnesses. Therefore, considering serious nature of offence the custodial interrogation of the applicant is necessary.

7. Taking into consideration the FIR, the documents on record and considering the view taken by the Supreme Court in above judgments, according to me, in order to complete the investigation, pre-arrest bail cannot be granted protection to the present applicant. The physical presence of the present applicant is necessary for the purpose of interrogation. **The anticipatory bail application stands rejected and disposed of accordingly.**

(RAJESH S. PATIL, J.)