

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.951 OF 2025

Yogesh Yuvraj Shendage

...Applicant

Versus

The State of Maharashtra & Ors.

...Respondents

.....

Mr. Vikas Shivarkar, for the Applicant.

Ms. B. Vilasini, for Respondent Nos.2 and 3.

Mr. A.S. Gawai, APP for the Respondents-State.

PSI-A.L. Shirole, Aundh Police Station, Satara is present in Court.

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CORAM : ASHWIN D. BHOBE, J.

DATE : 30th MAY, 2025
(VACATION COURT)

P.C. :-

1. Heard Mr. Vikas Shivarkar, learned Advocate for the Applicant, Ms. B. Vilasini, learned Advocate for Respondent Nos. 2 and 3 and Mr. A.S. Gawai, learned APP for the Respondent-State.

2. Mr. Vikas Shivarkar, learned Advocate for the Applicant seeks leave to amend the cause-title. Leave granted.

Amendment to be carried out forthwith.

3. Applicant is before this Court seeking Anticipatory Bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "**BNSS**") in connection Crime No.2 of 2025 registered with the Aundh Police Station, Satara for the offences punishable under Sections 137(2), 64 of the Bharatiya Nyaya Sanhita, 2023 (for short "**BNS**") (corresponding to Section 360 and 376 of I.P.C.) and Section 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012, (for short "**POCSO**").

4. Case of the prosecution is that victims in the case were kidnapped and thereafter, sexually abused. Respondent Nos. 2 & 3 (Victims) in the case are aged about 13 years and 5 months and 15 years and 9 months, respectively. Crime is registered at the instance of the mother of the Respondent No.2.

5. Applicant approached the Court of learned Special Judge (P.O.C.S.O.), Vaduj by filing Criminal Bail Application No.16 of 2025. Said Bail Application was dismissed on 07.02.2025.

6. Mr. Vikas Shivarkar, learned Advocate for the Applicant states that upon registration of the crime, it was the Applicant, who brought the Respondent No.3 (victim) to the Police Station. He states that this conduct of the Applicant of bringing the victim to the Police Station is a mitigating circumstance in favour of the Applicant for securing pre-arrest Bail. He states that Respondent No.3 is married as per the information of the Applicant. He states that the Respondent No.3 has lodged another case under POCSO Act. He therefore states that the prosecutrix (victim in this case) cannot be believed. For all the said reasons, he states that the Applicant be granted Bail.

7. Mr. A.S. Gawai, learned APP for the Respondent-State, submits that the offence, which is subject of the present crime pertains to minors. He states that there is sufficient evidence on record to support the case of the prosecution that the victims were kidnapped and there was sexual assault on the said victims. He states that the Applicant since the registration of the FIR, is absconding. According to the learned APP, the offence being serious, it requires detailed investigation, which

is hampered on account of the non-cooperation of the Accused persons in the present crime.

8. Ms. B. Vilasini, learned Advocate for Respondent Nos.2 and 3 states that the material on record is sufficient to establish that the victims, who are minor, were sexually abused by the Applicant and the other Accused. She states that the Applicant, who is a married person, has committed such a grave crime, which would not entitle the Applicant for Bail.

9. I have given due consideration to the arguments advanced by the learned Advocates and gone through the records placed before me, with the able assistance of the learned Advocates.

10. Crime alleged in the present offence pertains to victims who are minors. Mr. A.S. Gawai, learned APP for the Respondent-State points out that the medical report of the victims clearly suggests sexual abuse/sexual assault on the minor victims. Applicant in the present case is reportedly absconding, as stated by the learned APP on instructions of the Investigation Officer. Offence alleged against the Applicant is

serious, inasmuch as, it pertains to offences punishable under the POCSO Act and BNS.

11. In such circumstances, the contention of the Applicant that the custodial interrogation of the Applicant is not required, cannot be accepted. Further, from the submissions made on behalf of the Applicant before this Court that it was the Applicant, who handed over the Respondent No.3 to the Police Station, *prima facie* is sufficient to hold that the victim was in custody of the Applicant. Respondent No. 3 has alleged sexual assault. Prima facie case as set up against the Applicant is made out.

12. No case made out for entertaining the present Anticipatory Bail Application.

13. In view of the above, **Anticipatory Bail Application No.951 of 2025 stands dismissed.**

[ASHWIN D. BHOBE, J.]