

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

Anticipatory Bail Application No.1991 of 2025

Rajendra Shrinarayana Pal
Age: 62 yrs, Occ: Business,
R/at Room No.132, Jay Tulija
Bhawani chawl, Akurli road,
Opp.Sultan Dairy, Vadar pada,
Hanuman Nagar, Kandivali (E),
Mumbai-400 101.

... Applicant.

Vs.

1. The State of Maharashtra
(Through Samata Nagar police
station, FIR No.352/2025)

2. XYZ

... Respondents.

Mr KH Giri, Advocate a/w Mr Pratik Yadav, Mr Dhavan Giri
and Ms Prachi Gupta for the applicant.

Mr Anand Shalgaonkar, APP for the respondent / State.
PSI Bajrang Desai, a/w PI Suraj Bansode, Samta Nagar
police station, Mumbai.

**Coram : R.N.Laddha, J.
Date : 21 July 2025.**

P.C. :

The applicant shall delete the name of respondent
No.2 as appearing in the cause title of this application
forthwith.

2. By this application, the applicant seeks pre-arrest bail in connection with CR No.352 of 2025, registered at Samta Nagar Police Station, Mumbai, for offences punishable under Sections 64, 65(1) and 65(2) of the Bharatiya Nyaya Sanhita, 2023, and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

3. It is the case of the prosecution that from April 2023 to April 2025, the applicant, who is the victim's grandfather, sexually abused and assaulted the victim by inserting his finger into her vagina.

4. Mr KH Giri, 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 there is a considerable delay in lodging the FIR, which is a vindictive measure to forcibly transfer property in favour of respondent No.2, the victim's mother. The applicant is a senior citizen and suffers from ailments. The learned Counsel further submits that the applicant is ready to abide by any conditions this Court imposes if granted bail.

5. Mr Anand Shalgaonkar, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request. He submits that the victim is approximately four years old and the applicant is her grandfather. The victim would occasionally sleep in her grandparents' room. On two occasions, the applicant, taking advantage of her tender age, sexually abused her by inserting his finger in her vagina. The victim reported these incidents to respondent No.2/ the informant. When the informant confronted the applicant, he, along with other family members, threatened her. Drawing the attention of this Court to the medical report issued by the Global Life Foundation Alcohol and De-addiction Center, the learned APP submits that the victim's father is a chronic alcoholic who had to be admitted to the aforementioned rehabilitation Center for treatment. As a result of his condition, both the informant and the victim were left in a state of helplessness and heightened vulnerability, lacking adequate protection or support within the household. The learned APP further submits that the offence is of a serious nature. The statements of the victim and the informant have been recorded under Section 183 of the Bharatiya Nagarik

Suraksha Sanhita, 2023 ('BNSS'), wherein the victim has unequivocally described the incident. The investigation is in its early stages, and if the applicant is granted bail, he may tamper with evidence or influence witnesses.

6. This Court has given anxious consideration to the rival contentions and perused the records.

7. It is a settled position in law that the power to grant anticipatory bail is extraordinary and must be used with caution and discretion, based on the specific facts of each case. Unlike regular bail, it cannot be treated as a general rule. Courts must avoid a one-size-fits-all approach, as granting such pre-arrest bail in serious cases may affect the investigation. These aspects are also highlighted in the decision of the Hon'ble Supreme Court in *Srikant Upadhyay & Ors. Vs State of Bihar & Anr., 2024 SCC OnLine SC 282*.

8. Upon perusing the records, it appears that the applicant is accused of committing a grave act of sexual assault upon the victim, a minor girl aged about four years. The allegations pertain to the applicant having inserted his

finger in the child's genitals. This distressing incidents came to light when the child complained of pain in her genital area to respondent No.2, her mother. In response to this disclosure, respondent No.2 confronted the applicant, at which point he threatened her. It is an undisputed fact on record that the applicant is the paternal grandfather of the victim and the father-in-law of respondent No.2. The records, more particularly the statements recorded under Section 183 of the BNSS, reveal that the child explicitly named the applicant and narrated the incidents of assault by the applicant. The victim's circumstances are further compounded by her vulnerable background, her father, reportedly suffering from alcohol addiction, had been admitted to a de-addiction center. The psychological trauma endured by the minor has the potential to significantly impact her development during adolescence. Such early emotional distress can disrupt her sense of safety, trust, and self-worth, leading to long term consequences. Without appropriate intervention and support, the trauma may result in deep, lasting, and possibly irreversible psychological scars that could affect her emotional well-being, relationships, academic performance, and overall quality of life well into

adulthood. The POCSO Act was enacted to safeguard children from sexual crimes, prioritising the welfare of the child over the interest of the perpetrators.

9. Considering that the investigation is at a nascent stage, and taking into account the close and personal of the applicant's relationship with the key individuals involved, there exists a reasonable apprehension that the applicant may attempt to influence witnesses or interfere with the investigation. Granting the applicant the relief of pre-arrest bail at this critical juncture would pose a substantial risk of obstructing the proper and effective progress of the investigation. In view of these circumstances, this Court is not inclined to exercise its discretion in favour of the applicant. As a result, the application stands rejected.

[R. N. Laddha, J.]