

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2435 OF 2025

ARJUN
VITTHAL
KUDHEKAR

Sujit Ramesh Jadhav

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

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Mr. Vaibhav Ugle a/w Sohel Mujawar, for the Applicant.

Mr. A. R. Metkari, APP, for the Respondent-State.

P.S.I. Amol Anil Khatavkar, Malegaon Police Station, District-Pune,
present.

CORAM: MADHAV J. JAMDAR, J.
DATED: 08 SEPTEMBER 2025

P.C.:

1. Heard Mr. Vaibhav Ugle, learned Counsel appearing for the Applicant and Mr. Metkari, learned APP for the Respondent-State.
2. The Applicant is seeking pre-arrest bail in connection with CR No.180 of 2025 registered with the Vadgaon Nimbalkar Police Station, District - Pune on 1st July 2025 for the offences punishable under Sections 64(1), 64(2)(m), 65(1), 75, 351(2) and 351(3) of the *Bharatiya Nyaya Sanhita, 2023* and under Sections 4, 6, 8 and 12 of the *Protection of Children from Sexual Offences Act, 2012* ("POCSO Act") and Sections 3(1)(w), 3(2)(va), 3(2)(v) of the *Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989*.

3. It is the main contention of Mr. Vaibhav Ugle, learned Counsel appearing for the Applicant that FIR has been lodged on 1st July 2025 and in the said FIR the name of the Applicant is not disclosed and no role has been assigned to him in the crime. He states that, for the first time, the name of the Applicant is disclosed in the Supplementary Statement dated 8th July 2025 of the victim. He further submits that the allegations made are false and therefore the Applicant is entitled to be granted anticipatory bail.

4. On the other hand, Mr. Metkari, learned APP for the Respondent-State, states that the offence is very serious. The victim is aged 14 years. The Applicant is aged 33 years. The victim has been subjected to sexual assault by the Applicant and therefore the custodial interrogation is necessary. He therefore states that no case is made out for grant of anticipatory bail.

5. The Supreme Court in the decision of *Nikita Jagganath Shetty v. State of Maharashtra*¹, has observed that anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offences. The relevant portion is in Paragraph No.18 of the said decision, which reads as under :-

1 2025 SCC OnLine SC 1489

“18. This Court, in numerous judgments, has held that anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offences. In this regard, we may gainfully refer to Srikant Upadhyay v. State of Bihar 2024 SCC OnLine SC 282 wherein this Court noted as follows:

“We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases....”

(emphasis supplied) ”

Thus, the Supreme Court has observed that the Court should be very cautious while dealing with the applications for anticipatory bail as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence.

6. In this particular case, FIR has been lodged against Accused Nos.1 and 2 on 1st July 2025, Accused No.1 is aged 21 years and Accused No.2 is aged 24 years. Accused No.1 was the friend of the father of the victim and both of them used to consume alcohol together. On 22nd January 2025 the Accused No.1 called the victim at some place near the bridge on the pretext of giving her a gift on account of her birthday. Thereafter, Accused No.1 had forcibly sexually assaulted the victim who is of 14 years and belongs to the Scheduled Caste. Thereafter, when her father was ill, Accused No.2 entered in her home and forcibly sexually assaulted the victim in the month of May, 2025. Thereafter again on 1st June 2025 she has been sexually assaulted by the Accused No.2. Thereafter, on 30th June 2025 the FIR has been lodged. During investigation, the Supplementary Statement of the victim was recorded on 8th July 2025, wherein she has disclosed that about 10 to 12 days back, when the victim was washing clothes near the canal, the present Applicant called her near the vehicle and made her to sit on the backseat of the vehicle and forcibly sexually assaulted the victim.

7. Admittedly, the victim is 14 year old, the Applicant is 33 year old, Accused Nos.1 and 2 have been arrested and one more Accused i.e. Accused No.4 is absconding.

8. This is a serious case where the 14 years minor has been subjected to sexual assault. The observations of the Supreme Court in

the decision of *Nikita Jagganath Shetty* (supra) are squarely applicable to the present case. If the anticipatory bail is granted to the Applicant, the same will hamper the investigation.

9. The Supreme Court has observed that anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offences. The offence is very heinous and grave. Thus, no case is made for grant of anticipatory bail. In view of the facts and circumstances of the case, custodial interrogation is absolutely essential.

10. Accordingly, the Anticipatory Bail Application is dismissed.

[MADHAV J. JAMDAR, J.]