

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2997 OF 2025

Poonam Vijay Phalke	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

WITH
INTERIM APPLICATION NO.4047 OF 2025
IN
ANTICIPATORY BAIL APPLICATION NO.2997 OF 2025

Maruti Manohar Kadam	...Applicant
<u>IN THE MATTER BETWEEN:</u>	
Vijay Haridas Phalke & Anr.	...Applicants
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Tohid Shaikh i/b. Ms. Anjali Patil, for the Applicant.
Ms. S. M. Yadav, APP, for the Respondent-State.
Mr. Hitesh P. Shah, for the Intervenor.

CORAM: MADHAV J. JAMDAR, J.
DATED : 5th DECEMBER 2025

PC:-

1. Heard Mr. Tohid Shaikh, learned Counsel appearing for the Applicant, Ms. Yadav, learned APP appearing for the Respondent-State and Mr. Hitesh Shah, learned Counsel appearing for the Intervenor.

2. This application is filed by the Applicant who is accused No.2 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail in connection with C.R. No.169 of 2025 registered with Otur Police Station, Pune Rural, Pune for the offences punishable under Sections 3(5), 308(2), 308 (3) and 61(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case is set out in paragraph No.2 of the order dated 4th June 2025 passed by the learned Additional Sessions Judge, Junnar, Taluka-Junnar, District-Pune in Criminal Bail Application No.115 of 2025, which reads as under:

“2- The FIR was lodged by the informant, Maruti Manohar Kadam, a retired police officer, alleging that after his retirement, he started residing in village Khamundi, Tal. Junnar, Dist. Pune, and was serving as the President of the Tantamukti Samiti, Khamundi. Applicant No.1 had submitted an application before the Samiti regarding the encroachment of his property. As a result, the informant became acquainted with the accused persons. He came to know that the applicants were residing near his house, and they began visiting each other's homes. There were cordial relations between both families. The informant further alleges that the applicant No.2, who is the wife of applicant No.1, used to touch him inappropriately and expressed her willingness to have physical relations with him. Even their daughters used to wear revealing clothes exposing their body parts with an intention to provoke him. On 14/5/2025, around 10:00 a.m., he was passing in front of the house of the applicants. At that time, accused No.1 called him and informed him

that he had to go out for some urgent work and that his wife and daughters were at home. He further informed him that he had to go to Ahilyanagar with his younger daughter, and that his wife and elder daughter would be alone at home. After some time, he got a phone call from his daughter informing him that she had secured 92% marks in the 10th standard and was complaining that she had not received any gift from the informant. She called him at her home and was touching him inappropriately in order to provoke him. The informant gathered her intention and immediately came out of her house. After some time, he got a phone call from accused No.1 saying that, he did wrong to his daughter. The informant replied that he did not do anything to her. The accused persons then started demanding money from the informant stating that they will file POCSO case against him. They demanded Rs.2 Crores for settlement. After negotiation they settled for Rs.1.5 Crores. The accused persons demanded the money from the informant within a short period, which the informant was unable to pay. Therefore, he approached his friend, who agreed to help him. The informant and his friend decided to issue cheques from closed accounts in order to gain some time to think and resolve the issue. As agreed, the cheques were handed over to the applicants. The informant requested the execution of a written statement ensuring that he would not face any problems in the future, to which the applicants agreed. The informant then reported the incident to the police station alleging that the accused persons are in the habit of filing the POCSO and rape cases with the aid of his wife and daughters and used to extort money from the people. He also came to know that the accused persons have extorted money from one Gaikwad. The FIR was registered under relevant sections and so the applicants are apprehending arrest at the hands of the police.”

4. At the outset, Mr. Tohid Shaikh, learned Counsel appearing for the Applicant submits that pursuant to order dated 20th

November 2025 passed in this Anticipatory Bail Application, the accused No.1-Vijay Haridas Phalke has surrendered on 24th November 2025. He submits that as far as the Applicant -Poonam Vijay Phalke is concerned, her role is very limited that on few occasions she was present. He further submits that the Applicant-Poonam Vijay Phalke will co-operate with the investigation.

5. On the other hand, Ms. Yadav, learned APP and Mr. Hitesh Shah, learned Counsel appearing for the Intervenor strongly oppose the Anticipatory Bail Application. Both of them submit that the offence is very serious and therefore, the Anticipatory Bail Application be rejected.

6. There is substance in the contention of learned APP and learned Counsel of the Intervenor that the offence is very serious where the parents of the child used her for extorting money and threatened the First Informant that false case under the Protection of Children from Sexual Offences Act, 2012 would be filed. The FIR shows that the main allegations are against the accused No.1-Vijay Haridas Phalke, who has already been arrested. However, it is also true that the Applicant has also played major role in very serious crime.

7. However, the Applicant is lady. Learned Counsel appearing for the Applicant-Poonam Vijay Phalke submits that the Applicant will co-operate with the investigation. Accordingly, the case is made out for grant of Anticipatory Bail by imposing stringent conditions. In view thereof, the following order is passed:

ORDER

- (a) In the event of arrest of the Applicant-Poonam Vijay Phalke in connection with C.R. No.169 of 2025 registered with the Otur Police Station, Pune, the Applicant is directed to be released on bail on her furnishing P.R. Bond in the sum of Rs.1,00,000/- with one or two solvent sureties in the like amount.
- (b) The Applicant shall attend the Otur Police Station, District-Pune on 11th December 2025, 12th December 2025 and 13th December 2025 between 11:00 a.m. to 03:00 p.m. and shall cooperate with the investigation.
- (c) The Applicant shall attend the Otur Police Station, District-Pune, on every Monday between 11:00 a.m. to 01:00 p.m. till filing of the charge-sheet and shall co-operate with the investigation. In addition, the Applicant shall attend the concerned Police Station as and when called.

- (d) The Applicant shall furnish her cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (e) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicant shall not leave India without prior permission of the Court.

8. The Anticipatory Bail Application is disposed of accordingly.

9. In view of the disposal of the Anticipatory Bail Application, nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]

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