

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

ANTICIPATORY BAIL APPLICATION NO.3288 OF 2025

Himadri Sengupta

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Raviraj Rajaram Paramane for the Applicant.

Mr. P. H. Gaikwad, APP for Respondent No.1-State.

Mr. Pankaj Kavade for Respondent No.2-first informant.

API Rajiv L., NRI Sagari Police Station, Navi Mumbai is present.

CORAM : N.R. BORKAR, J.

DATE : 16TH DECEMBER 2025

P.C. :

1. This is an Application for anticipatory bail.
2. The Applicant is apprehending his arrest in Crime No.254 of 2025 registered with NRI Sagari Police Station, Navi Mumbai for the offences punishable under Sections 74, 75 of the Bharatiya Nyaya Sanhita, 2023 and Sections 8, 12 of the Protection of Children from Sexual Offences Act, 2012.
3. The first informant in the present crime is the father of the victim. The mother of the victim due to matrimonial dispute was residing separately. It is alleged that mother of the victim was in relationship with the present Applicant. It is alleged that on 15th December 2024 the mother of the victim took the victim to a restaurant in Nexus Mall for lunch, at that time, the Applicant was with them. It is alleged that the Applicant

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with sexual intent touched the victim inappropriately as well as kissed her hand. Accordingly, the present crime was registered.

4. I have heard Learned Counsel for the Applicant, Learned APP for Respondent No.1-State and Learned Counsel for Respondent No.2-the first informant.

5. Learned Counsel for the Applicant has drawn my attention to the First Information Report lodged by the mother of the victim against the first informant on 15th March 2025 and to the various documents placed on record. It is submitted that there is a delay in lodging the FIR and the same came to lodge after lodging of the FIR by the mother of the victim against the first informant. It is submitted that as the mother of the victim was in relationship with the present Applicant, the false FIR came to be lodged against the Applicant as a counterblast to the FIR lodged by the mother of the victim against the first informant. The Learned Counsel for the Applicant submits that considering the age of the victim, she is susceptible to tutoring. It is submitted that the prosecution has already filed chargesheet against the present Applicant and therefore there is no need of custodial interrogation.

6. On the other hand, Learned APP for Respondent No.1-State and Learned Counsel for Respondent No.2-first informant submit the victim has disclosed about the incident, when she was taken for counselling. It is submitted that immediately thereafter report was lodged. It is submitted that the victim in her statement recorded under Section 164 of the Cr.P.C.

also narrated the entire incident. It is thus submitted that the Applicant may not be released on anticipatory bail.

7. I have perused the statement of the victim recorded under Section 164 of the Cr.P.C. She narrated the entire incident. At this stage, I am not inclined to doubt the statement of the victim. Considering the nature of crime, I am not inclined to release the Applicant on anticipatory bail. Hence, the Anticipatory Bail Application is rejected.

(N.R. BORKAR, J.)