

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

Anticipatory Bail Application No.1530 of 2025

Rajankumar Upendra Singh
Age 25 years, Occ.: Service,
R/at.: Village Duari, Post – Munji
Police Station, Karakat (Goradi),
District – Rohtas, State-Bihar

... Applicant

versus

1. The State of Maharashtra
through Powai Police Station,
Mumbai.

2. XYZ
through Powai Police Station,
Mumbai.

... Respondents

With

Interim Application No. 2795 of 2025

In

Anticipatory Bail Application No.1530 of 2025

Inamul Jasimuddin Shaikh
Age about 45 years,
Occ. Driver, R/at. Near Rajesh
Ration Shop, Ring Road,
Milind Nagar, Powai, Mumbai.

... Intervenor

In the matter between

Rajankumar Upendra Singh
Age 25 years, Occ.: Service,
R/at : Village Duari, Post – Munji

Police Station, Karakat (Goradi),
District – Rohtas, State-Bihar.

... Applicant

Versus

1. The State of Maharashtra
through Powai Police Station,
Mumbai.

2. XYZ
through Powai Police Station,
Mumbai.

...Respondents

Mr Premanand K Torane, for the Applicant.

Mr S S Pednekar, APP, for Respondent / State.

Mr Yasin Kapadia, for the Intervenor.

PI Jaideep Gosavi, Powai Police Station, Mumbai, is present.

Coram: R.N. Laddha, J.

Date: 22 August 2025

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.892 of 2024, registered at Powai Police Station, Mumbai, for offences punishable under Sections 137(2) and 64 of the Bharatiya Nyaya Sanhita, 2023 ('BNS'), and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act').

2. It is the case of the prosecution that on 8 November 2024, the applicant, without lawful authority, removed the minor

victim from the custody of her lawful guardian and led her to a secluded and densely forested area situated within Powai Garden. The said act was committed under the false pretext of solemnising marriage with the victim. Thereafter, the applicant is alleged to have forcibly engaged in sexual intercourse with the victim against her will and subsequently abandoned her at the said location. The victim, being left unattended and disoriented in the remote area, remained missing until she was discovered by an unidentified woman and was eventually restored to her family residence on 12 November 2024. Pursuant to her return, the victim disclosed the entire sequence of events to her parents, which led to the registration of additional offences. Initially, the matter was registered under Section 137(2) of the BNS. However, upon the victim's detailed statement, further offences under Section 65 of the BNS and Sections 4 and 8 of the POCSO Act were invoked, reflecting the gravity and nature of the allegations.

3. The learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. He submits that there was a love affair between the applicant and the victim, and the victim's medical examination does not reveal any signs of forceful sexual intercourse or external injuries on her person.

The investigation has concluded, culminating in a charge sheet. The applicant is ready to abide by any conditions imposed by this Court.

4. On the other hand, the learned Additional Public Prosecutor representing respondent No.1/ State and the learned Counsel appearing on behalf of respondent No.2/ informant jointly oppose the applicant's request for pre-arrest bail and contend that the offence is of a serious nature. They submit that on 8 November 2024, the applicant lured the minor victim under the guise of marriage, taking her from her guardian's custody to a secluded area in Powai Garden. At this remote location, the applicant committed a brutal assault, subjecting the victim to a forced and traumatic sexual violation. The victim was then abandoned and left to wander before being found and returned home on 12 November 2024. The learned APP further submits that although a charge sheet has been filed, the applicant has been absconding and evading investigation.

5. Furthermore, the learned Counsel for respondent No.2/ informant submits that the applicant fled and subsequently married another woman. Following the registration of the FIR, the applicant, through his family members, made multiple attempts to reach the victim by repeatedly calling her father's

cell phone, pressuring her to withdraw the complaint and settle the matter. The victim's mother, the informant, reported this intimidation, which led to the filing of a non-cognizable offence on 18 January 2025. Despite this, the applicant's family continued to harass and intimidate the victim. When the victim raised her concerns, the investigating agency took no action; instead, she faced reprimands. Even after she reported this conduct to higher authorities in letters dated 5 February 2025, 23 June 2025 and 9 July 2025, no corrective measures were implemented by the prosecution. The learned Counsel asserts that granting pre-arrest bail to the applicant would jeopardise the safety of the victim and witnesses, ultimately leading to a miscarriage of justice; therefore, he requests that the applicant's plea for pre-arrest bail be rejected.

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

7. It is a settled position in law that granting anticipatory bail is an extraordinary power. While regular bail is generally considered the norm, the same principle does not apply to anticipatory bail. Considering each case's specific circumstances, the Court must exercise careful and prudent discretion when deciding whether to grant anticipatory bail.

There is no one-size-fits-all approach. Caution is necessary, as granting protection in serious cases could hinder investigation or lead to a miscarriage of justice by allowing tampering with evidence. A profitable reference in this regard can be made to the decision of the Hon'ble Supreme Court in *Srikant Upadhyay Vs State of Bihar, 2024 SCC OnLine SC 282*.

8. Upon a careful examination of the case records, it emerges that the applicant stands accused of offences of a grave and serious nature. The prosecution alleges that on 8 November 2024, the applicant enticed a minor female away from the lawful custody of her guardian under the false pretext of marriage. It is further alleged that the applicant thereafter transported the victim to a secluded, wooded area within Powai Garden, where he subjected her to sexual assault. Following the commission of the said act, the applicant is alleged to have abandoned the victim in a vulnerable and distressed state. The victim, reportedly disoriented, managed to return home only on 12 November 2024, with the assistance of an unidentified woman. Initially, the offence was registered under Section 137(2) of the BNS. Subsequently, in view of the nature and gravity of the allegations, additional charges under Section 65 of the BNS and Sections 4 and 8 of the POCSO Act were invoked. The charge sheet filed by the investigating agency

contains specific and serious imputations against the applicant. Despite sustained efforts by the investigating authorities, the applicant has remained absconding. His custodial interrogation is stated to be essential, inter alia, for the purpose of conducting a medical examination. Of particular concern is the allegation that, notwithstanding his awareness of the registration of the FIR, the applicant has employed his family members to approach the victim with the intent of coercing her into withdrawing the complaint. Such conduct, on a prima facie basis, reflects a deliberate attempt to obstruct the course of investigation and to influence the victim. The FIR was lodged on 8 November 2024. However, the applicant did not approach the Sessions Court seeking anticipatory bail until 7 February 2025. The said application was rejected on 16 May 2025. Thereafter, the applicant waited until 25 July 2025 to move the present application before this Court, without furnishing any plausible explanation for the inordinate delay. This sequence of events indicates a lack of bona fides and an apparent reluctance on the part of the applicant to submit himself to the due process of law. Furthermore, during the intervening period, the applicant remained untraceable and failed to cooperate with the investigating agency. On the contrary, he is alleged to have engaged in acts of intimidation directed at the victim and her family members.

9. In light of the gravity of the allegations presented and the prevailing concerns regarding the applicant's conduct, this Court is disinclined to exercise its discretion in favour of the applicant. As such, the application for anticipatory bail stands rejected. As a sequel, the pending interim application also stands disposed of.

[R.N. Laddha, J.]