IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

923 ANTICIPATORY BAIL APPLICATION NO. 1304 OF 2026

Prem Alias Rushikesh Dilip Shirsat ....Applicant

VERSUS

The State of Maharashtra & another .....Respondents

Mr. R. G. Dodiya, Advocate for the Applicant.
Ms. R. P. Gour, APP for the State.
Mr. S. J. Salunke, Advocate for Respondent No. 2.

CORAM : R. M. JOSHI, J.
DATE : 27th OCTOBER, 2026.

PER COURT :

1. Applicant seeks pre-arrest bail in connection with Crime No. 0055/2026, registered with Contonment Chawani Police Station, District Chhatrapati Sambhajinagar, for the offences punishable under Sections 333, 189(2), 191(3), 190, 74, 324(2), 115(2), 352, 351(2), 351(3), 238(k) of Bharatiya Nyaya Sanhita and Sections 8 and 12 of Protection of Children from Sexual Offences Act.

2. First Information Report indicates that the incident had occurred on 09.02.2026 at about 3.15 pm in which the present Applicant and co-accused abused and assaulted the informant. There is specific allegation against the present Applicant that he has not

only assaulted the informant but also outraged modesty of hER minor daughter.

3. Learned Counsel for the Applicant submits that there are disputes between the parties owing to which, possibility of false implication is not ruled out. It is his submission that investigation in the crime is completed and as such, this is not a case wherein custodial interrogation of the Applicant is necessary. He drew attention of the Court to the statements recorded during the course o investigation which, according to him, indicate that two witnesses who claim to have seen occurrence of the incident are having enmity with the Applicants and as such their statements are not reliable. Insofar as third witness is concerned, it is claimed that said witness could not have seen occurrence of the incident from the window of her own house. He further submits that Applicant is recently married and as such, there is no reason to believe that he could have committed the alleged act. To support his submission, he placed reliance on video of the incident. It is submitted, by referring to the video, that the act of outraging modesty of informant or her daughter is not seen. It is his submission that there are complaints which

indicate that the possibility of false implication exists and as such, this is a fit case for enlargement of Applicant on pre-arrest bail.

4. Learned APP and learned Counsel for the informant opposed grant of protection to the Applicant contending that there are statements of independent witnesses to support the allegations. According to them, the question of custodial interrogation is not only criteria for determination of pre-arrest bail application but nature of offence is also equally important.

5. Prima facie perusal of the record indicates that there are statements of independent witnesses as well as victim which support the allegation against the present Applicant of he outraging modesty of informant as well as victim, a minor girl. Apart from said statements, there are statements of independent witnesses who confirm occurrence of said incident. Even if it is accepted for the sake of argument that two witnesses have strained relations with the Applicant, statement of third witness cannot be discarded on that count.

6. Perusal of the video indicates that the incident had certainly occurred in which it is seen that the present Applicant has assaulted the informant. There is no recording available of the incident which has occurred thereafter. Only for that reason, statement of victim cannot be discarded. This Court finds substance in the contention of learned APP that for the purpose of grant or rejection of pre-arrest bail application, custodial interrogation will not be the sole criteria. Having regard to these facts and considering the act of outraging modesty of a minor girl, this Court finds no justification to grant pre-arrest bail to the Applicant. Hence, application is dismissed.

(R. M. JOSHI, J.)

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