



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 655 OF 2025

Samadhan Devidas Bankar
VERSUS
The State Of Maharashtra And Others

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- Mr. S. R. Bodkhe, Advocate for the Applicant
- Mr. C. V. Bhadane, APP for Respondent Nos. 1 and 2 - State
- Mrs. Smita Chole (Kendre), Advocate (appointed) for Respondent No. 3 - Complainant

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CORAM : MEHROZ K. PATHAN, J.

DATED : 03.02.2026

PER COURT :

1. Heard learned counsel for the applicant, the learned APP for the respondent-State, and the learned appointed counsel for the complainant.
2. The applicant has approached this Court apprehending arrest in connection with FIR No. 0128 of 2025 dated 22.03.2025, registered with Chavni Police Station, Chh. Sambhajnagar (City), District Chh. Sambhajnagar, for the offences punishable under Sections 74, 78, 351(2), 351(3) of the Bharatiya Nyaya Sanhita and Sections 11 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the present applicant is that he held the hand of the victim, who was aged 15 years at the time of the alleged incident, used abusive language, and threatened her upon her refusal to marry him. The applicant is aged 21 years. It is alleged that when the victim was sitting silently, her mother inquired with her, whereupon the victim disclosed the incident, leading to registration of the offence.

4. By order dated 05.05.2025, this Court granted interim protection to the present applicant, subject to conditions, including attendance at the police station on specified dates and cooperation with the investigation. Learned counsel for the applicant submits that the applicant has complied with all the conditions and has cooperated with the investigation.

5. Learned counsel for the applicant further submits that the last allegation of stalking against the applicant pertains to 03.03.2025, wherein allegations of outraging the modesty of the complainant are also levelled. It is submitted that the applicant and the complainant are relatives and that the applicant has been falsely implicated to settle scores. The alleged incident is stated to have occurred at about 10.00 a.m. in front of the school premises; however, no statements of villagers from the nearby area have been recorded to support the allegation. It is further submitted that the applicant was not present

in the village Mitmita on the date of the incident, as he was working with Varroc Engineering Limited, Waluj, on 03.03.2025. The applicant has produced the daily attendance register to show his presence at the workplace. There is a delay of about 20 days in lodging the FIR from the alleged last incident dated 03.03.2025. The applicant has no criminal antecedents and is willing to abide by any further conditions. He, therefore, seeks confirmation of the interim order dated 05.05.2025.

6. Per contra, the learned APP and the learned appointed counsel for the victim strongly oppose the application, contending that there are serious allegations of stalking and outraging the modesty of a minor girl. It is submitted that, if released on bail, the applicant may threaten the victim and prejudice the prosecution case. Considering the seriousness of the offences under the POCSO Act, it is urged that this is not a fit case for granting anticipatory bail and the application may be rejected.

7. I have perused the investigation papers made available by the learned APP. The record indicates that the investigation qua the present applicant is substantially complete. The attendance record, including biometric data, prima facie shows that the applicant was present at his workplace at the relevant time. The applicant has also complied with the interim protection order by attending the police

station as directed. In the facts of the case, the possibility of false implication cannot be ruled out. The observations made herein are for the purpose of deciding the present application and may not influence the Trial Court. The apprehensions expressed by the learned APP and the learned appointed counsel for the victim can be adequately addressed by imposing stringent conditions. Since the charge-sheet has already been filed, custodial interrogation of the applicant is no longer necessary. Hence, I am inclined to exercise the discretion under Section 438 of the Code of Criminal Procedure.

ORDER

- i. The Anticipatory Bail Application is allowed.
- ii. The interim order dated 05.05.2025 is hereby confirmed, subject to the following further conditions:
 - A) The applicant shall attend the concerned police station and report to the Investigating Officer as and when required for further investigation, if any.
 - B) The applicant shall not enter Village Mitmita, District Chh. Sambhajinagar, till the conclusion of trial, except with the permission of the Trial Court in case of any emergency.
 - C) The Applicant shall also cooperate with the investigation.
 - D) The applicant shall not influence the informant, the victim, witnesses, or any person connected with the case, nor shall he tamper with the evidence.

- E) The applicant shall not communicate with the victim or influence witnesses in any manner. He shall not initiate any form of communication, including through WhatsApp, phone calls, or messages, with the victim, her family members, or any witnesses.
- F) The applicant shall furnish copies of his Aadhaar Card and PAN Card to the Investigating Officer along with the addresses and mobile numbers of two nearest relatives.

8. Needless to state that a single violation of any of the aforesaid conditions shall entitle the prosecution to seek cancellation of the anticipatory bail granted herein.

9. The observations made herein are prima facie and shall not influence the Trial Court while deciding the case on its own merits.

10. Fees of the appointed counsel Mrs. Smita Chole (Kendre), representing Respondent No.3 – complainant, shall be paid as per the schedule of fees prescribed by the High Court Legal Aid Services Sub-Committee, Aurangabad, expeditiously.

11. In view of the above, the Anticipatory Bail Application stands disposed of.

(MEHROZ K. PATHAN, J.)