

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1842 OF 2025

Abhishek Meherban Rathod

VERSUS

The State Of Maharashtra And Others

Advocate for Applicant : Mr. Gaikwad Anil M.

APP for Respondents: Mr. P.D. Patil.

CORAM : MEHROZ K. PATHAN, J.

DATE : 10th FEBRUARY, 2026.

P.C. :-

1. The applicant has approached this court seeking anticipatory bail in connection with Crime No. 280 of 2024 registered with Malkoli Police Station, District Nanded for the offences punishable under Sections 74, 75, 78, 115-2, 352, 351-2, 351-3, 3-5 of the Bhartiya Nyaya Sanhita and under Section 8 and 12 of the POCSO Act.

2. The prosecution story in brief is as under :-

The informant who is a minor takes education. It is alleged that on 16.12.2024, she alongwith her elder sister was proceeding to her house on the motorcycle of her cousin maternal uncle. When they reached near the Kamjalgewadi T-point, the applicant Abhishek and his brother Hrishikesh followed them on a motorcycle and stopped their motorcycle. It is alleged that applicant Abhishek told her maternal uncle that he loves the informant and asking why he is taking her on his motorcycle, gave first blows to him. It is alleged that the applicant Abhishek threatened her to get down from the motorcycle and caught hold of her left hand and asked her to sit on his motorcycle. It is alleged that he threatened her to kill. It is alleged that Hrishikesh also

threatened her to get down from the motorcycle. It is alleged that when her elder sister raised shouts, one person came on motorcycle and the applicants ran away. Later on, she disclosed the incident to her parents and fearing that due to this incident, her family would be defamed, on 17.12.2024, i.e. on next day, she consumed pesticide. Accordingly, the FIR was lodged.

3. At the outset, the learned APP objects to the maintainability of the present successive bail application as the earlier application filed by the applicant came to be withdrawn vide order dated 11.2.2025. The successive bail application is filed only on the ground of filing of charge sheet. It is almost a settled law that merely filing of charge sheet cannot be considered as change of circumstance so as to entertain the successive bail application. The application may, therefore, be rejected as not maintainable.

4. The learned counsel for the applicant submits that the earlier application was withdrawn without any observations on merits as the prosecution was about to file a charge sheet against another co-accused Hrishikesh, the real brother of the applicant, who was released on anticipatory bail. After the application was withdrawn by the applicant, vide order dated 11.2.2025 in ABA No. 77 of 2025, the prosecution has filed the charge sheet before the trial court on 15.2.2025. After going through the charge sheet and the nature of evidence collected against the applicant, the applicant had again approached the Sessions Court by filing an application for grant of anticipatory bail. The said application came to be rejected hence, the applicant has again approached this court, in view of change of circumstance, particularly, looking to the evidence collected by the prosecution as reflected in the charge sheet.

5. The learned counsel for the applicant further submits that the applicant is falsely implicated in the present case. The applicant is 26 years of age, who was having the love relationship with the victim girl aged 14 years. The entire incident is given a different colour by family members of the victim girl. After the said incident dated 16.12.2024, the victim girl had consumed poison on 17.12.2024 and was required to be admitted for treatment to the Government Hospital. The girl was discharged on 18.12.2024. There is 5 day's delay in lodging the FIR as the FIR came to be lodged on 21.12.2024 after concocting the story against the applicant. The applicant is aged 26 years and is ready to abide by the conditions that may be imposed. The victim's family after realizing the mistake that the applicant is implicated in a serious crime, have filed an affidavit before the Sessions Court giving their no objection for release of the applicant on bail. The applicant may, therefore, be released on anticipatory bail.

6. The learned APP vehemently opposes the application on the ground that the offence is serious and the other accused Hrishikesh has been released on a different footing as he had a limited role to play in the present crime. The victim is a minor girl of 14 years. There are allegations of stalking and outraging the modesty of victim by the applicant. Subsequently, stringent provision of the POCSO Act are invoked which contains the provision of presumption against the accused persons. The applicant may threaten the victim and her family members, if released on bail. He, therefore, prays for rejection of the application.

7. I have gone through the investigation papers, which have now culminated into filing of charge sheet against the accused Hrishikesh who was released on anticipatory bail. As far as role of the present applicant is concerned, he is attributed the role of catching hold of the

hands of the complainant. There are no other allegations about any sexual harassment against the applicant. There is a delay of 5 days in lodging the FIR . After the initial incident dated 16.12.2025, the FIR is filed on 21.12.2024, which creates doubt about the prosecution story. However, these observations are prima facie in nature and made only for the purpose of deciding this application and the trial court may not get influenced by the same.

8. Thus, taking into consideration the fact that the charge sheet is already filed against arrested accused Hrishikesh and nothing remains to be investigated, and taking into consideration the young age of the applicant and the vulnerable age of the victim, I am inclined to protect the applicant. The apprehension of the learned APP can be taken care of by imposing stringent conditions. Hence, the following order :-

ORDER

[I] In the event of arrest of the applicant, in connection with Crime No. 280 of 2024 registered with Malkoli Police Station, District Nanded for the offences punishable under Sections 74,75, 78, 115-2, 352, 351-2, 351-3, 3-5 of the Bhartiya Nyaya Sanhita and under Section 8 and 12 of the POCSO Act, the applicant Abhishek Meherban Rathod, be released on bail on furnishing PR Bond in the sum of Rs. 50,000/-, with one or more sureties in the like amount, on the following conditions :-

[i] The applicant shall attend the concerned police station and report to the Investigating Officer on 16th, 17th, 23rd, 24th February, 2026 and 2nd and 3rd March, 2026 between 11.00 a.m. to 1.00 p.m. and shall cooperate with the investigation.

[ii] The applicant shall enter the village Devla-Tanda, Taluka Loha, Malkoli, Dist. Nanded till framing of the

charge, except in case of emergency by seeking permission of the Superintendent of Police, Nanded.

[iv] The applicant shall submit his Aadhar and Pan card to the Investigating Officer alongwith mobile numbers and addresses of two of his near relatives and his current address.

[iv] The applicant stands disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-