



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

936 ANTICIPATORY BAIL APPLICATION NO. 35 OF 2026

SANDIP SITARAM SHINDE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for the applicant : Mrs. Suvarna M. Zaware
APP for Respondent-State : Mrs.P.J.Bharad
Advocate for Respondent no.2 : Mrs.Vanita H. Sangole

...

WITH

**CRIMINAL APPLICATION NO. 503 OF 2026
IN ANTICIPATORY BAIL APPLICATION NO.35 OF 2026**

...

CORAM : MEHROZ K. PATHAN, J.

DATE : 17.02.2026

P.C. :

1] Heard the learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for the respondent no.2.

2] Leave is granted to correct the prayer clauses.

3] The applicant has approached this Court apprehending arrest in connection with Crime No.454 of

2025, registered with Sonai Police Station, District Ahilyanagar, for the offence punishable under Section 137 (2), 74, 87, 352, 351 (2), 351 (3) of BNS, 2023 and Section 8, 11 (6), 12 of the POCSO Act.

4] At the outset the learned counsel for the applicant submits that the complainant has filed an affidavit giving no objection for grant of anticipatory bail in favour of the applicant as the FIR is result of misunderstanding between the complainant and the applicant.

5] The victim is present before this Court. The victim has appeared through the learned counsel and she has filed an affidavit stating that she has no objection for grant of anticipatory bail in favour of the applicant.

6] Be that as it may, it is the case of the prosecution that the complainant, aged 16 years 9 months, lodged a complaint that she had developed friendly relations with the applicant from last one and half years, which has resulted in a love affair. That, on 03.12.2025 at

about 11.30 a.m. when the victim was standing near a mango tree closed to her house, the applicant arrived in a Swift car. He called the victim and allegedly compelled her to sit in the car. Thereafter, both of them went to Platinum Park Hotel at Pandhari Pool, Taluka Newasa where the applicant told her that they would be going to his friend's room. After entering the room, the applicant allegedly closed the door and forcefully tried to touch her breast. The victim states that she then ran to the lobby area of the Hotel. Subsequently, the applicant also came and both again left together in the car and proceeded to Vedant Dhaba. During this journey, the complainant's brother came on a motorcycle and that the applicant drove the car in such a manner as to make a sudden cut in front of his motorcycle. It is further alleged that the applicant dropped the victim near the divider adjoining her house and thereafter fled away from the spot. During this time, the applicant allegedly told the victim that although he was already married, he would marry her and further threatened to kill her family members if she disclosed the

incident to anyone. Thereafter, the victim narrated the said incident to her parents. Out of fear, she consumed a poisonous substance and was subsequently admitted in the Hospital. On the basis of the said allegations, the present FIR is lodged against the present applicant.

7] The learned counsel for the applicant submits that perusal of the allegations in the FIR itself would show that the applicant's relation with the complainant was consensual in nature. As the family members of the complainant had objected for the relationship with the applicant, the FIR came to be lodged by the complainant out of family pressure. The FIR does not show any allegation of forcible sexual intercourse at the behest of the present applicant. The applicant is not having any antecedents and is ready to abide by any conditions that may be imposed by this Court. Hence, the applicant may be released on anticipatory bail.

8] As against this, the learned APP strongly opposes the present application on the ground that the

stringent provisions under POCSO Act are invoked against the present applicant. The victim is a minor of 16 years and 9 months, who has alleged sexual harassment at the behest of the present applicant. The applicant is a married person and stringent provisions of POCSO Act are invoked against the present applicant. The victim is a minor and hence consent, if any, is vitiated. Hence, taking into consideration of gravity of offence, the applicant may not be released on anticipatory bail as there is likelihood that applicant, if released on anticipatory bail, may threaten prosecutrix and thereby cause prejudice to the prosecution case.

9] I have gone through the investigation papers, made available by the learned APP. The investigation papers show that the statement under Section 183 of BNSS is already recorded wherein the complainant reiterated allegations in the FIR. The investigation appears to be almost complete. The allegations against the present applicant are not of any forcible sexual intercourse with the complainant. The custodial interrogation of the applicant

may not be necessary. Considering the affidavit filed by the complainant stating that she has no objection for grant of anticipatory bail in favour of the applicant, the false implication of the applicant cannot be ruled out. However, these observations are prima facie in nature and shall not influence the trial Court. Hence, I am inclined to protect the present applicant in exercise of powers under Section 482 of the Criminal Procedure Code. Hence the following order :

ORDER

I] In the event of arrest of the applicant, he be released on furnishing P.R. bond of Rs.50,000/- [Rs. Fifty Thousand], with two solvent sureties in the like amount, in connection with Crime No.454 of 2025, registered with Sonai Police Station, District Ahilyanagar, for the offence punishable under Section 137 (2), 74, 87, 352, 351 (2), 351 (3) of BNS, 2023 and Section 8, 11 (6), 12 of the POCSO Act, on the following conditions :

A] The applicant is directed to attend the concerned police station and report to the Investigating Officer on 24.02.2026, 25.02.2026, 28.02.2026, 02.03.2026, 07.03.2026 and 09.03.2026 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called by the Investigating Officer.

B] The applicant shall also co-operate with the investigation.

C] The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

D] The applicant shall not threaten victim or her family members .

10] Needless to say, violation of any of the aforesaid conditions shall entitle the prosecution to seek cancellation of the anticipatory bail.

11] The observations made herein above are *prima facie* in nature and shall not influence the Trial Court while deciding the case on its own merits.

12] The Anticipatory Bail Application is disposed of accordingly.

13] The application for assisting the P.P. is also disposed of accordingly.

[MEHROZ K. PATHAN]
JUDGE