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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1872 OF 2026

Shubham Mulakhat Shinde …Applicant

Vs.

1. The State of Maharashtra …Respondents
2. X.Y.Z. (Victim)

Mr. Prasad Arun Kamthe, for the Applicant.
Ms. Savita M. Yadav, APP for the Respondent-State.
Ms. Mrunmayi Moholkar, for the Respondent No.2.
PSI Namdeo Vitthal Supe, Vishrantwadi Police Station, Pune City.

CORAM: MADHAV J. JAMDAR, J.
DATE : 15th OCTOBER, 2026

P. C.:

1. Heard Mr. Kamthe, learned counsel appearing for the Applicant, Ms. Yadav, learned APP for the State and Ms. Mrunmayi Moholkar, learned counsel appointed to represent the interest of Respondent No.2.

2. By this application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Applicant is seeking pre-arrest bail in connection with C.R. No. 141 of 2026 registered with Vishrantwadi Police Station, Pune City for the offences punishable under Sections 64(2) of Bharatiya Nyaya Sanhita, 2023 and

Sections 4, 6, 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. Ms. Yadav, learned APP states that the Investigating Officer has informed the Respondent No. 2 about today's date of this Anticipatory Bail Application and the Respondent No.2 has requested this Court to appoint the legal Aid Advocate. Accordingly, Ms. Mrunmayi Moholkar, learned Advocate is appointed to represent the interest of the Respondent No.2 and heard in the matter.

4. Mr. Kamthe, learned counsel appearing for the Applicant submits that the Applicant is of 21 years and Respondent No. 2 is of about 17 years and both of them belonged to the Dhangar community, which is a nomadic/wandering community. He submits that the marriage took place between the Applicant and the Respondent No.2, and the Respondent No.2 has delivered a child on 29th March 2026 and at that time, the offence has been registered. He submits that the Respondent No.2 is his wife and relationship, if any, is of consensual nature and she is of understandable age.

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5. Ms. Yadav, learned APP and Ms. Moholkar, learned counsel appointed to safeguard interest of Respondent No.2 strongly oppose the application.

6. However, perusal of the record shows that even as per the prosecution case, the Applicant and Respondent No.2 are husband and wife. The Respondent No.2 has delivered a child and the child is about seven months old. *Prima facie,* the relationship is of consensual nature. There are no other antecedents.

7. Accordingly, the case is made out for grant of Anticipatory Bail. In view thereof, the following order is passed:

O R D E R

(a) In the event of arrest of the Applicant-Shubham Mulakhat Shinde, in connection with C.R. No. 141 of 2026 registered with Vishrantwadi Police Station, Pune City, the Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.5,000/- with one or two solvent sureties in the like amount.

(b) The Applicant shall attend the concerned Police Station as and when called by the Investigating Officer.

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(c) The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(d) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

8. This Court places on record appreciation of assistance rendered by Ms. Mrunmayi Moholkar, learned Advocate appointed to represent interest of the Respondent No.2. The High Court Legal Services Authority is requested to pay her professional fee as per rules.

9. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]