

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.3435 OF 2024

Pradyuman Madhusudan Naik

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

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None for the Applicant.

Mr. S. M. Mangaonkar, APP, for the Respondent-State.

Mr. Vikrant V. Phatate, for Respondent No.2.

A.P.I. W. V. Chaudhari, Indiranagar Police Station, Nashik City, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 09 JANUARY 2026

P.C.:

1. None appears for the Applicant. With the assistance of Mr. Mangaonkar, learned APP, the papers are perused.

2. The Applicant, by the present Anticipatory Bail Application filed under Section 482 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*, is seeking pre-arrest bail in connection with CR No.373 of 2024 registered with the Indiranagar Police Station, Nashik City, for the offences punishable under Section 74, 75 and 3(5) of the *Bharatiya Nyaya Sanhita, 2023* and Sections 11, 12 and 21 of the *Protection of Children from Sexual Offences Act, 2012* (“**POCSO Act**”).

3. The prosecution case is set out in Paragraph No.5 of the Anticipatory Bail Application, which reads as under :-

“5. The **Prosecution story** is as under:

a) The Complainant Mr.Ajay Shamrao Sonwale states that, he is a Doctor and he is practice at Pune. Accused no. 1 was the wife of the complainant and they have one daughter aged 8 years old i.e. victim. On 19/01/2024 the complainant and accused no. 1 get divorce from family court, Pune. The custody of the victim was given to the applicant no.1 and the informant has given Rs.7,80,000/- for the maintenance of the daughter. The Hon'ble Family Court gave permission to the informant to visit his daughter on every last Sunday of every Month and in Diwali from the day of Bhaubeej 11:00 am to the third day from Bhaubeej. The Xerox copy of the said order Hereto annexed and marked as **EXHIBIT“C”**.

b) The complainant alleged that on 7/11/2024 when he was going to return his daughter from Pune to Nashik at that time her daughter was sad therefore, the informant asked his daughter about her sadness at that time victim told to the informant that she did not wanted to go to her mother/accused no. 1 because accused No.1 without her will told victim to stay with the applicant/accused No.3 in the same room but the victim said that she did not wanted to stay with applicant/accused No.3 because applicant/accused No.3 asked her to sleep with her because of cold. The victim refused the same as she did not liked the alleged behavior of the applicant/accused No.3. Therefore, the victim refused for same. Thereafter, applicant/accused No.3 stopped the fan of the room and harassed the victim.

The complainant further alleged that accused no 2 did not do any work and he used to stay only at home when the victim changed her clothes at home at that time accused No.2 came in the bedroom and use to stare at the victim and follow her with wrong intention.

The complainant further alleged that the accused No.1 used to neglect the victim when she used to disclose the aforesaid facts to her.”

4. It is the submission of Mr. Mangaonkar, learned APP, and Mr. Phatate, learned Counsel appointed to represent the interest of

Respondent No.2, that the offence is very serious and the same is under the POCSO Act. The victim is only 8 years old and, therefore, the Anticipatory Bail Application be rejected.

5. Perusal of the record shows that a learned Single Judge by detailed Order dated 17th December 2024 has granted interim protection to the Applicant. The said Order reads as under :-

“1. Heard Mr. Kale, learned counsel for the applicant and Mr. Agarkar, learned APP for the respondent-State.

2. Since offences under the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) are registered, notice will have to be issued to the victim, who is already shown as respondent No.2 in this application. But, the learned counsel for the applicant is pressing for interim relief.

3. Attention of this Court is invited to the contents of the FIR and it is alleged that in the backdrop of matrimonial dispute and divorce between the informant and his ex-wife, the applicant, who is a 72 year old grandfather of the victim child, has been unnecessarily roped in and shown as an accused. It is submitted that wild allegations have been made against the applicant. Attention of this Court is also invited to certain reports of non-cognizable offences (NCs) registered at the behest of the applicant and the co-accused persons.

4. The learned APP submits that this Court may consider issuing notice to the respondent No.2 before disposing of the application.

5. This Court is inclined to grant interim relief in favour of the applicant, for the reason that the genesis of the FIR, prima facie, appears to be a dispute between the informant and his ex-wife. The copies of NCs registered at the behest of the applicant and co-accused person against the informant prior to registration of the FIR is also a factor, that cannot be ignored. The applicant is a 72 year old gentleman against whom allegations have been made with regard to ill-treating

his own grand-daughter. The applicant is ready to co-operate with the investigation.

6. The learned APP correctly points out that the respondent No.2 i.e. the victim is in the custody of her own mother, who is also a co-accused person and therefore, while issuing formal notice to the respondent No.2, this Court may consider appointing an advocate from the panel of the advocates maintained by the High Court Legal Services Committee to represent the respondent No.2.

7. In view of the above, issue notice to the respondent No.2, returnable on 22.01.2025, High on Board.

8. Considering the aforesaid suggestion of the learned APP, the High Court Legal Services Committee is directed to appoint an advocate from its panel to represent the respondent No.2.

9. The applicant shall additionally furnish a copy of the application in the office of the High Court Legal Services Committee within a week from today.

10. In the meanwhile, there shall be interim relief in the following terms:-

A. Till the next date, in the event the applicant is arrested in connection with FIR No.373 of 2024 dated 11.11.2024 registered with Indira Nagar Police Station, District - Nashik, he shall be released on bail on furnishing PR Bond of Rs.15,000/- with one or two sureties in the like amount to the satisfaction of the trial Court;

B. The applicant shall co-operate with the investigation;

C. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

11. In case any of the aforesaid conditions is violated, the present order would be liable to be cancelled.”

The said interim protection continues till date.

6. Mr. Mangaonkar, learned APP, submits that the Charge-sheet is already filed on 20th January 2025.

7. The Applicant is a senior citizen of 72 years. It appears that, there is a dispute between the Informant and his ex-wife. The victim used to stay with ex-wife. The ex-wife of the First Informant has remarried and the allegations are made against the present husband of the ex-wife and his father i.e. present Applicant who is 72 years old.

8. As the Charge-sheet has been filed, investigation is completed.

9. Accordingly, the Anticipatory Bail Application is disposed of in terms of the Order dated 17th December 2024.

10. This Court places on record its appreciation for the assistance rendered by Mr. Vikrant Phatate, learned Counsel appointed to represent the interest of Respondent No.2.

[MADHAV J. JAMDAR, J.]