



IN THE COURT OF SPECIAL JUDGE UNDER THE PROTECTION OF  
CHILDREN FROM SEXUAL OFFENCES ACT, 2012 BORIVALI  
DIVISION, DINDOSHI, MUMBAI.

ANTICIPATORY BAIL APPLICATION 2049 OF 2022

( CNR NO.: MHCC05-006840-2022 )

**Manoj Navnath Jadhav**

R/at. R. No. 2, Third Floor,  
Shri Gajanan Apartment,  
Ganesh Colony,  
Opp. Ganesh Medical, Dighi, Pune

**...Applicant**

V/s.

**The State of Maharashtra,**

( At the instance of Bangur Nagar  
Police Station vide C.R.No.728/22)

**...Respondent/State.**

**Appearance:-**

Shri. Palande, Advocate for the Applicant.

Smt. Geeta Malankar, APP for the State/respondent.

**CORAM : HER HONOUR ADDL. SESSIONS JUDGE  
SMT.S.M.TAKALIKAR, (C.R.NO.12)**

**DATE : 03.01.2023**

**ORDER**

Present application is filed by the accused/applicant under Section 438 of Code of Criminal Procedure for Anticipatory bail in connection with C.R.No 728 of 2022 registered with Bangur Nagar Police Station for offences punishable under Section 354, 403, 500 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

**Facts in short of present application are as follows :**

2. Complainant is father of the victim. Victim is below 18 yrs of age studying in B.Com first year. She is handling mobile of Oppo company. Complainant knows the applicant. Victim also know the accused. She got acquainted with the applicant prior to 1 and half years. Since then applicant was visiting their house. Sometime he is hauling in their house. On one occasion mother of the applicant also came to their house. On 03/10/2022 at 10.00 pm applicant came to their house, halted there for 2 days. On 05/10/2022 he left the house. Again came to their house. He demanded Rs.100/- from the mother of the victim. She gave Rs.100/-. Accused caught hand of the victim. He dragged the victim, has taken out her mobile for watching. It was left with him by mistake. Thereafter the accused ran away. Complainant went to police station and lodged complaint of the incident. On the basis of said complaint above mentioned crime has been registered against the accused.

3. Applicant in his application stated that he is innocent, has not committed any offence. He know the family members of the victim. The victim and applicant fall in love, decided to marry after completing her 18 yrs of age. The father of the victim is against the said love affair. Therefore he lodged false complaint. The ingredients of Section 354 of the IPC and Section 8 and 12 not attracted. The accused is permanent resident of Pune, has no criminal antecedents. Hence prayed that application be allowed.

4. Prosecution has filed say stating that nature of offence is serious. Mobile is yet to be recovered. In spite of receipt of notice the applicant remained absent, not co-operated the police. There is

possibility of absconding. Hence prayed that application be rejected.

5. Ld. Advocate for the applicant invited my attention towards the allegations in FIR. He submitted that victim is above 17 yrs old but below 18 yrs old. The applicant is 19 yrs old. There was love affair between them. Father of the victim is against their love affair. He invited my attention towards the photographs and submitted that this is clear case of love affair. He relied on following case laws ;

i. 'Sunil Mahadev Patil V/s. State of Maharashtra'

ii. 'Aniruddha Yadav V/s. State of Maharashtra'

and submitted that applicant is ready to handover mobile to the police. Hence prayed that application be allowed.

6. Ld. APP submitted that there are chances of absconding. Since filing of FIR he is absconding. Hence prayed that application be rejected.

7. Perused application, say filed. Also perused allegations in FIR.

8. It appears that applicant and victim knows each other since last 1 and half year. Accused was visiting the house of the complainant, haulted there. He knows the family members of the complainant as well. Even the mother of the applicant visited the house of the complainant. That means the complainant and victim knows the applicant very well. The applicant resides in their house. That means there relation were cordial. The allegation is that applicant caught hand of the victim. That much only are the allegations.

9. I have gone through the photographs filed by advocate for the applicant. Victim shows very close to the applicant. There is no recovery and discovery. In the FIR it is even mentioned that by mistake the mobile of the victim is left with the applicant. Applicant has not intentionally taken the mobile nor snatched the mobile from the victim. Accused is ready to handover the mobile. Upon perusal of the say filed by I.O. it appears that spot panchanama has been prepared. Statement of eye witness has been recorded. Screen-shot of the messages sent by the accused has been taken. That means the investigation is practically completed. Therefore the custodial interrogation of the applicant is not necessary. Taking into consideration the allegations and readiness of the applicant accused to hand over the mobile, in my opinion, his custodial interrogation is not necessary. Hence the applicant has made out just and reasonable ground for release on anticipatory bail. Hence his application deserves to be rejected and I pass following order:

**ORDER:**

1. Anticipatory Bail Application No.2049/2022 is hereby allowed.
2. In the event of arrest, the applicant/accused, **Manoj Navnath Jadhav**, he be released on anticipatory bail on executing P.R. Bond of Rs.20,000/- (Rupees Twenty Thousand only) with One or two solvent surety in the like amount in C.R.No 728 of 2022 registered with **Bangur Nagar Police Station** for offences punishable under Section 354, 403, 500 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, on the following terms and conditions :-
  - a) He shall attend the **Bangur Nagar** Police Station once in 15 days till filing of charge-sheet and thereafter once in a month till conclusion of trial.
  - b) He shall co-operate the police in the investigation.

- c) He shall not himself or through any other person contact the victim/complainant.
  - d) He shall not commit similar type of offences for which he is the accused.
  - e) He 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 him from disclosing such facts to the Court or any police officer.
  - i) On violation of any above conditions, anticipatory bail shall stand cancelled without intimation.
  - j) He shall handover the mobile to the police as early as possible.
- 3) Anticipatory Bail Application No.2049/2022 is hereby disposed off accordingly.

**(S. M. TAKALIKAR)**  
**Special Judge, under the POCSO Act**  
**Borivali (Div), Dindoshi,**  
**Goregaon, Mumbai.**

**Date : 03.01.2023**

Dictated on : 03.01.2023  
Transcribed on : 03.01.2023  
Date of sign : 04.01.2023

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”

04.01.2023, 5.30 pm  
UPLOAD DATE AND TIME

Mrs. Revati V. Kadam  
NAME OF STENOGRAPHER

Name of the Judge (with Court Room No.)	HHJ Smt. S. M. TAKALIKAR ,(C.R.No.12) Addl. Judge.,City Civil & Sessions Court, Dindoshi
Date of pronouncement of /Order	03.01.2023
Order signed by P.O. on	04.01.2023
order uploaded on	04.01.2023