



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.457 OF 2026

Sunita Rajesh Chavhan and others **.Vs.** State of Maharashtra and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.S. Shukla, Advocate for applicants.

Mr. S.S. Hulke, A.P.P. for non-applicant/State.

CORAM : RAJ D. WAKODE, J.

DATE : 30/05/2026

1. Heard Mr. Shukla, learned counsel for the applicants.

2. The applicants apprehending their arrest in connection with Crime No.693 of 2025 dated 22.12.2025 registered with non-applicant No.1-Police Station, Pusad (city), Dist. Yavatmal, for the offences punishable under Sections 109, 74, 75, 115(2), 352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, have approached this Court praying for grant of anticipatory bail.

3. The contention is that the applicants more specifically the applicant No.1-Sunita Rajesh Chavhan has been implicated in the present offence at the behest of the complainant – Sau. Anita Premrao Mohite, purely out of vengeance arising out of severe matrimonial dispute between the applicant No.1 – Sunita and her husband – Rajesh Chavhan. The complainant – Sau. Anita Premrao

Mohite, is the real sister of Rajesh Chavhan, the husband of the present applicant No.1. The applicant No.2 – Sau. Anita Suresh Chavhan is the real sister of applicant No.1. Applicant No.3 is the husband of the applicant No.2 and applicant No.4 is the real brother of the applicant Nos.1 and 2.

4. The Investigating Officer, in his say before the learned Sessions Court opposing the bail application of the present applicants specifically mentioned in Paragraph-14 at Page No.337 that there is a severe dispute between the accused No.1 and the complainant, as they are close relatives and have been implicating each other in several offences, which are enumerated in the aforesaid say. Similar is the finding of this Court while granting protection to the husband of the present applicant No.1 i.e. Rajesh Chavhan and his other relatives in Criminal Application (ABA) No.922 of 2025. The order dated 13.01.2026 passed by this Court in the aforesaid criminal application is as recorded at Page No.256 as Annexure-9.

5. This Court while granting anticipatory bail to the husband of the applicant No.1 has recorded that the relationship between the complainant and the applicants are so strained that there are not ready to see each other and the possibility of lodging FIR which exaggerated facts as result of personal grudges cannot be ruled out at this stage. The aforesaid anticipatory bail was granted by this Court in Crime No.510 of 2025 registered with Police Station, Mangrulpir, Dist. Washim, for various offences punishable

under the provisions of BNS and also Sections 8 and 12 of the POCSO Act, 2012.

6. In the aforesaid offence, the allegations regarding such provisions of the POCSO Act were made against the husband of the present applicant No.1, Rajesh Chavhan and his relatives. Similar is the case in the present FIR, wherein Sau. Anita Premrao Mohite, the sister of Rajesh Chavhan had raised such allegations against the applicant No.1 and her relatives resulting in the registration of the present FIR. Fact remains that now the investigation is completed and the chargesheet is already filed by the Investigating Officer on 17.02.2026 bearing Chargesheet No.136 of 2026.

7. Mr. Abhishek Shukla, the learned counsel for the applicants submits that as per the allegations in the FIR, the alleged sole eye-witness was one Pankaj Devsarkar, according to the complainant who had resolved the quarrel on the said day. Mr. Shukla, the learned counsel for the applicants has invited my attention to the statement of the aforesaid witness, Pankaj Devsarkar recorded on 23.12.2023, which is recorded at Page No.156 and therein the aforesaid witness has not stated the facts mentioned in the oral complaint. In fact, the statement of the aforesaid witness contradicts the FIR even to the count of males and females involved in the present offence. The offence is registered against two women and two men, whereas the aforesaid witness has stated that there were one woman and three men involved in the aforesaid offence.

8. The learned Sessions Court has rejected the anticipatory bail application of the present applicants solely on the ground that the custodial interrogation of the applicants is necessary to recover the can petrol and motorcycle used in the commission of the offence. This Court failed to understand as to how the recovery of petrol will connect the present applicants with the aforesaid offence.

9. Be that as it may, the learned counsel for the applicants make a statement that if this Court protected the present applicants, they shall attend the police station and shall cooperative the Investigating officer. In view of the above and for the reasons stated aforesaid, I am inclined to grant ad-interim anticipatory bail to the present applicants and accordingly, pass the following order:-

- (a) Issue notice to the non-applicants, returnable on **17.06.2026**.
- (b) Mr. S.S. Hulke, learned A.P.P. waives notice on behalf of the non-applicant No.1/State.
- (c) In the meanwhile, in the event of arrest in connection with Crime No.693 of 2025 dated 22.12.2025 registered with non-applicant No.1- Police Station, Pusad (city), Dist. Yavatmal for the offences punishable under Sections 109, 74, 75, 115(2), 352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 8 and 12 of the Protection of Children from Sexual

Offences Act, 2012, the applicants shall be released on ad-interim anticipatory bail on furnishing PR bond of Rs.50,000/- along with one solvent surety each.

- (d) The applicants are directed to attend the concerned Police Station on every Monday and Friday between 11.00 a.m. to 02.00 p.m.
- (e) The applicants is further directed to cooperate with the non-applicant No.1-Investigating officer more particularly regarding the recovery as alleged in the say filed by the Investigating Officer.
- (f) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (g) The applicants shall provide his residential address and cell number to the concerned Investigating Officer where they intend to reside.
- (h) Breach of either of condition would give rise to the prosecution to move this Court for cancellation of bail

(RAJ D. WAKODE, J.)