

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

CRIMINAL WRIT PETITION NO.3582 OF 2017

Manoj Suresh Jadhav and others	..Petitioners
Versus	
The State of Maharashtra and another	..Respondents

Mr. Hetal Patel i/by Mr. Subhash Hulyalkar for the Petitioners.

Mrs. S. V. Sonawane, APP for the Respondent - State.

**CORAM : R. M. SAVANT &
SANDEEP K. SHINDE, JJ.
DATE : 21st SEPTEMBER, 2017**

PC.

1 The above Petition has been filed for a declaration that the re-arrest of the Petitioners is illegal. An FIR has been earlier registered against the Petitioners by the Chandannagar, Police Station, Pune City, Pune bearing C. R. No.116 of 2016 for the offences punishable under Sections 509 r/w 34 of the Indian Penal Code and under Sections 12 and 17 of the Prevention Of Children From Sexual Offences Act (for short "POCSO Act"). The Petitioners had applied for bail vide Application No.1954 of 2016. Since all the offences alleged against the Petitioners were bailable, the Learned Additional Sessions Judge, Pune by observing that bail in bailable offence is right of the accused, granted bail to the Petitioners. In the course of investigation, Section 376 of the Indian Penal

Code (for short “IPC”) has been added and pursuant thereto the Petitioner has been re-arrested. It is in the said context that the relief as aforesaid is sought by the Petitioners. Having regard to the fact that offence under Section 376 of the IPC has been added for which the maximum punishment is ten years. In our view, the re-arrest of the Petitioners cannot be taken exception to. It is also required to be noted that the Petitioners have applied for bail in this Court which is pending consideration. In view thereof, no relief can be granted to the Petitioners. The Writ Petition is accordingly dismissed. However, needless to state that the rejection of the instant Petition would not come in the way of the Petitioners in prosecuting the bail application.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]