

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

CRIMINAL BAIL APPLICATION NO. 3062 OF 2019

Laxman Jijaba Wadekar

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Ghansham S. Jadhav i/b. Biju A. Aloor, Advocate for the Applicant.

Smt. Veera Shinde, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 28th February, 2020

PC :

1. This is an application for bail in connection with C.R. No. 576 of 2019, registered with Bhosari Police Station, Pune for the offences punishable under Sections 377, 342, 506 of Indian Penal Code, 1860 ('IPC' for short) and Sections 3, 4, 7 and 8 of Prevention of Children from Sexual Offences Act, 2012 ('POCSO' for short). The First Information Report ('FIR' for short) was lodged on 5th June, 2019 by the mother of victim.

2. The case of prosecution emanating from the FIR is that, the applicant is LIC agent. The applicant had visited the house of the complainant to collect the amount towards the installment of LIC. The applicant also stated that, the weight of the child is not

consonance with his height. The complainant told him that, weight can be measured in the dispensary of Doctor, which is situated adjacent to their house. Child and the applicant, left the house. Since the victim did not return home, in short time, she gave a call to child. After the victim returned home, she noticed that, he was in disturbed state of mind. After taking him in confidence, he disclosed that, the applicant had subjected him to sexual assault in car. The alleged incident had occurred on 15th May, 2019. The FIR was lodged on 5th June, 2019.

3. The applicant applied for Anticipatory Bail before the Special Court, which application has been rejected by Order dated 28th August, 2019.

4. Learned counsel for the applicant submitted that, the complaint is false. The applicant had lodged FIR against the father of the child and others in respect to the incident of assault dated 4th June, 2019 and the offences were registered under Sections 324, 504, 506 of IPC. It is submitted that, the father of victim had insisted that, the applicant should pay the installments of LIC policies. Since he declined to do so, he was threatened and thereafter, falsely implicated in the present case. There is delay in lodging FIR. Learned APP submitted that, victim is a boy aged 14 years. The FIR

was lodged by applicant, after registration of present FIR against him. Specific role has been attributed to applicant.

5. Although the incident had occurred on 15th May, 2019, the FIR was lodged on 5th June, 2019. From the statement of victim, the sequence of event narrated by the victim, is not clear, as to whether the incident had occurred after he returned from the visit to the hospital or before that. Admittedly, the applicant and the child had visited the hospital for examination of the child for the purpose of LIC. There is no plausible explanation for lodging the FIR after the period of 20 days. The applicant is in custody for a period of about one and half year.

6. Considering the facts and circumstances of the case, on certain terms and condition, the applicant can be granted bail.

7. Hence, I pass the following Order:

ORDER

- i) Bail Application No. 3062 of 2019, is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 576/2019, registered with Bhosari Police Station, Pune on furnishing P.R. bond in the sum of Rs. 25,000/-(Rupees

Twenty Five Thousand) with one or more sureties in the like amount;

- iii) Applicant shall not approach the victim or his family members and shall not enter into the vicinity of the residence of the victim.
- iv) The applicant shall report concerned police station once in a month on every first Saturday between 11.00 am. to 1.00 pm. till further order.
- v) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)