

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

**BAIL APPLICATION NO. 3513 OF 2019
WITH
INTERIM APPLICATION NO. 1856 OF 2021**

Lahu Arjun Gaikwad ... Applicant

Versus

The State of Maharashtra & Anr. ... Respondents

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Mr. Aniket Nikam i/by Mr. V. N. Arote, Advocate for the Applicant in BA.

Mr. Paresh More, Advocate for the Applicant in Interim Application.
Mr. S. R. Agarkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 30th JULY, 2021

PER COURT:

1. This is an application for bail. The applicant is arrested on 10th August, 2019 in connection with C.R. No. 245 of 2019 registered with Alandi Police Station, Dist. Pune for offences under Sections 377, 506 of Indian Penal Code (for short “IPC”) and Sections 4, 6 & 8 of Protection of Children from Sexual Offences Act, 2012 (for short ‘POCSO Act’).

2. The First Information Report (for short ‘FIR’) was lodged on 9th August, 2019. The victim boy is aged about 15 years. The applicant was founder of the religious organization. It is

alleged that the victim was subjected to unnatural sex. Statements of witnesses were recorded. The victim was medically examined. Charge-sheet was filed.

3. Learned counsel for the applicant submitted that the victim was boy aged about 15 years was strong built and it is difficult to believe that he was subjected to sexual assault. The applicant is not having any criminal antecedents. He is in custody since last 2 years.

4. The complainant is represented by the advocate. He has filed intervention application. Learned counsel for the complainant submitted that the complainant has no objection for grant of bail. In the intervention application also the father of the victim boy has stated that without getting into merits of the matter, he is giving no objection for bail.

5. Learned APP submitted that offence is of serious nature. The medical evidence supports the prosecution case. The accused is involved in the crime. There is evidence to substantiate the offence.

6. It is true that, merely on the basis of consent of the father of the victim boy bail did not be granted. However, also considering the fact that the applicant is in custody since last two

years, further detention of the applicant is not necessary. Hence, bail can be granted to the applicant.

7. Hence, I pass the following order:

ORDER

- (i) Criminal Bail Application No. 3513 of 2019 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 245 of 2019 registered with Alandi Police Station, Dist. Pune, on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report concerned Police Station once in three months on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;
- (iv) The applicant shall not tamper with the evidence.
- (v) The applicant is permitted to furnish provisional cash bail in the sum of Rs.25,000/- for a period of twelve weeks in lieu of surety.
- (vi) Bail Application No.3513 of 2019 and Interim Application No.1856 of 2021 stand disposed of accordingly.

(PRAKASH D. NAIK, J.)