

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**CRIMINAL APPLICATION (APL) NO.1101 OF 2021**

(Manjil s/o Rajkumar Lonare Vs. State of Maharashtra thr. PSO PS Warthi, Dist.  
Bhandara and another)

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*Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.*

*Court's or Judge's orders.*

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Mr. N. S. Giripunje, Advocate for Applicant.  
Mr. N. S. Rao, APP for Non-Applicant/State.

**CORAM: ROHIT B. DEO, J.**

**DATE: 11<sup>th</sup> OCTOBER, 2021.**

The applicant and the co-accused, secured default bail for offences punishable under Sections 363, 366-A, 376(2)(n) and 376(d) of the Indian Penal Code and Sections 6 and 10 of the Protection of Children from Sexual Offences Act (POCSO Act).

2. The victim and her mother complained to the Trial Judge that the accused were pressurizing them with the intent of forcing withdrawal of the accusations.

3. The learned Trial Judge took serious note of the accusation particularly, since the learned Prosecutor and the Police Constable on duty substantiated the accusation. The applicant and the other co-accused were taken in custody and ultimately vide a reasoned and elaborate order dated 01.09.2021 the learned Sessions Judge confirmed the order dated 24.08.2021 vide which the default bail was cancelled and the accused taken into custody.

4. The co-accused Rakesh Bhivgade, Arpit Lonare, Akshay Chavhan, Durgesh Haldar and Dhammadip Nagdeve preferred Criminal Application (APL) 955/2021, which I heard extensively on 07.10.2021. I was inclined to reject the application for bail and to confirm the order passed by learned Sessions Judge. At this stage, the said application preferred by the co-accused, who are similarly situated, came to be withdrawn with liberty to apply for bail afresh after the evidence of victim and the informant is recorded.

5. The applicant is also similarly situated and instead of applying for bail under Section 439 of the Criminal Procedure Code, 1973 (Code) he has preferred an application under Section 482 of the Code. Technicalities apart, I am not inclined to release the applicant on bail in view of the gross misuse of liberty.

6. At this stage, the learned counsel for the applicant submits that instead of rendering an elaborately reasoned order, this application be dismissed as withdrawn, with liberty to apply afresh for bail, after the evidence of the victim and the informant is recorded.

7. The application is dismissed as withdrawn, with liberty as prayed.

**JUDGE**