

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2770 OF 2021

Akshay Amar Pawar

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr.Makran Kale i/b Mr.Samadhan A. Kashid for the Applicant.

Mr.R.M. Pethe, APP for the Respondent-State.

Mr.Sushil A. Inamdar for Respondent No.2.

CORAM : C.V. BHADANG, J.

DATE : 3 JANUARY 2022

P.C.

. The Applicant who is the co-accused in crime No.1113 of 2021 registered with Sangola Police Station under Section 363, 376 read with Section 34 of the Indian Penal Code and Section 4,8,12 and 42 of the Protection of Children From Sexual Offences Act is seeking anticipatory bail.

2. Upon hearing the learned counsel for the Applicant and the learned Additional Public Prosecutor and the learned counsel appearing for the Respondent-Complainant, it appears that the only role attributed to the Applicant is of providing his Maruti Swift Dzire Car for the co-accused Aaditya to take the victim. At present

prosecution has neither produced a copy of the statement of the victim recorded under Section 164 of Cr.P.C. nor her medical report.

4. A perusal of the order passed by the learned Sessions Judge granting bail to the Accused Nos.1 and 2 shows that *prima facie* the learned Sessions Judge come to the conclusion that there were whatsapp messages exchanged between the victim and co-accused Aaditya which shows that victim who had attained 16 years of age, was involved in a love affair with Aaditya. The learned Sessions Judge on the basis of the remand report has also found that it is not shown that the accused No.1 Aaditya had forcibly committed sexual assault on the victim.

5. The learned counsel for the Applicant states that the Applicant is not the owner of the Maruti Swift Dzire Car. He however, states that the Applicant will co-operate with the Investigating Agency for the investigation of the offence. Considering the limited role attributed to the Applicant and *prima facie* having regard to the fact that the co-accused Nos.1 and 2 have already been released on bail, the following order is passed.

ORDER

(i) In the event of his arrest in connection with investigation of crime No.1113 of 2021 of Sangola Police Station, the applicant shall be released on bail on

executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties in the like amount.

(ii) The applicant shall attend concerned Police Station once in two weeks between 11.00 am to 1.00 p.m. and as and when called by the investigating officer and shall co-operate with the Investigating Agency.

(iii) The applicant shall not contact/influence or threaten or pressurize the complainant or otherwise tamper with the prosecution evidence/witnesses.

(iv) The Criminal Application is disposed of.

C.V. BHADANG, J.