

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

BAIL APPLICATION NO. 4378 OF 2021

Aniket Sampat Ingawle	...	Applicant
<i>Versus</i>		
The State of Maharashtra and Anr.	...	Respondents

Mr. Prashant Pandey a/w Vidhi Karia i/by Nagma Tandon for the Applicant.

Mr. A. A. Palkar, APP for the State.

**CORAM : VINAY JOSHI, J.
DATE : 29th APRIL, 2022**

P.C. :-

1. The applicant is seeking regular bail in Crime No. 815 of 2020 registered with Saswad Police Station, Pune for the offences punishable under Sections 315, 317 and 376(2) read with 34 of the Indian Penal Code and Sections 4 and 5 of the Protection of Children from Sexual Offences Act (for short 'POCSO Act').

2. The learned counsel appearing for applicant would submit that none of the sections invoked by Police would apply to the applicant. It is submitted that even if prosecution case is taken at his face value, it would not implicate applicant under any Penal provision. Besides that bail is claimed on the ground of innocence, false implication, etc. The State resisted the bail by pointing towards seriousness of offences.

3. The applicant's learned counsel has submitted that he has privately served the notice to informant. Any how, the main allegations

relating to the provisions of POCSO Act are against co-accused, who is in Jail. It is prosecution case that co-accused Arbaz Bagwan was in love with a grown up girl and they had a baby. On the following date of the delivery, co-accused Arbaz Bagwan took baby with intent to eliminate it by burying. The applicant is friend of main accused Arbaz Bagwan, who accompanied him while taking baby for its disposal. As per prosecution case, both have abandoned the baby in the field which was seen by some persons who saved the life of baby.

4. So far as the applicability of Section 315 of Indian Penal Code is concerned, it may not apply, since the baby is alive. Likewise, there is serious question of applicability of Section 317 of the Indian Penal Code, as the applicant is neither parent nor was custodian of the child. There are no allegations against applicant pertaining to the offence of sexual assault. Investigation is complete and charge-sheet has been filed. Having regard to the said fact, applicant is entitled for bail. Hence, the following order :-

ORDER

- (a) The applicant namely Aniket Sampat Ingawle be released on bail in connection with Crime No. 815 of 2020 registered with Saswad Police Station, Pune for the offences punishable under Sections 315, 317 and 376(2) read with 34 of the Indian Penal Code and Sections 4 and 5 of the Protection of Children from Sexual Offences Act, on his furnishing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount.
- (b) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

(c) Application stands disposed in above terms.

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[VINAY JOSHI, J.]