

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.347 OF 2022

Sujit @ Golya Sheshrao Wasnik

Versus

State of Maharashtra, through P.S.O., P.S. Daryapur, Dist. Amravati and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R.D. Wakode, Advocate for the applicant.

Shri T.A. Mirza, A.P.P. for the non-applicant No.1/State.

Shri Deepak S. Patil, Advocate for the non-applicant No.2/victim.

CORAM : ANIL S. KILOR, J.

DATED : 22/06/2022

1. The applicant is seeking bail in Crime No.309 of 2019, dated 18.12.2019, registered with Police Station Daryapur, District: Amravati (Rural), for the offence punishable under Section 376(2)(n) of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act (hereinafter referred to as "POCSO Act").

2. Shri Wakode, learned counsel for the applicant submits that the applicant is in jail since December, 2019. Whereas, after completion of investigation, the charge-sheet has already been filed and further custody of the applicant is not necessary.

3. It is submitted that the applicant is 24 years young boy who fell in love with the victim and there was love affair

between the applicant and the complainant. It is submitted that only because the applicant refuse to marry the victim, the report came to be lodged.

4. He lastly points out that after the settlement between the applicant and the victim, the victim is staying with the family of the applicant.

5. On the other hand, Shri T.A. Mirza, learned APP opposes the present application.

6. Shri Patil, learned counsel appearing for the non-applicant No.2/victim points out that the victim has no objection for grant of bail to the applicant and accordingly, she has filed affidavit to that effect.

7. I have perused the charge-sheet and also the contents of the First Information Report (FIR).

8. In view of the fact that the applicant is in jail for last about two and half years and as there is no possibility that in near future the trial will conclude. Furthermore, as the victim has given no objection for grant of bail to the applicant, in view of the settlement and the fact that the she has residing with the family of the applicant, I am of the opinion that the applicant is entitled for grant of bail. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that the applicant shall be released on bail in Crime No.309 of 2019, dated 18.12.2019, registered with Police Station Daryapur, District: Amravati (Rural), for the offence punishable under Section 376(2)(n) of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act (hereinafter referred to as "POCSO Act"), on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station as and when his presence is required.
- d) The applicant shall not tamper with the prosecution witnesses.
- e) The applicant shall not leave the jurisdiction of the concerned Police station without permission of the Court.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]