



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

BAIL APPLICATION NO.114 OF 2023

MAYUR MAHADEV GAIKAWAD

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR.

..RESPONDENTS

Adv. Rupesh Zade a/w Adv. Priyanka Gupta for the
applicant.

Adv. Trupti Khamkar for Respondent No.2.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 29, 2023

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. Considering that the applicant is incarcerated since
21/08/2022 and in the facts and circumstances of the
present case, I feel it appropriate to request the trial Court
to record the statement of the child witness expeditiously
under Section 35(1) of the Protection of Children from
Sexual Offences Act, 2012 (POCSO).

3. The applicant is at liberty to apply for bail after 6
months or after recording of the evidence of the child

witness under Section 35(1) of the POCSO Act whichever is earlier.

4. The application is allowed to be withdrawn with liberty and disposed of in the above terms.

5. Learned APP submits that if the statement of the child/victim under Section 164 of the Code of Criminal Procedure is not recorded, necessary steps will be taken.

(M. S. KARNIK, J.)