

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

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BAIL APPLICATION NO.147 OF 2023

Pundlik Rajaram Palshetkar

..Applicant

VS.

The State of Maharashtra

..Respondent

Adv. Anil Y. Bansode a/w Adv. Kshitija R. Anjane a/w Adv.
Sangita Amrutsagar for the Applicant.

Mr. S. V. Gavand, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 8, 2023

P.C. :

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

2. This is an application for bail by the applicant-Pundlik
Rajaram Palshetkar in connection with C.R. No.I-58 of 2019
dated 23/02/2019 registered with Vartak Nagar Police
Station for the offence punishable under Sections 376(2)(I),
377, 506 of the Indian Penal Code, 1860 and under
Sections 3, 4, 5(N), 6 of the Protection of Children from
Sexual Offences Act, 2012 (hereafter 'the POCSO Act' for
short).

3. The FIR was lodged by the wife of the applicant on 23/02/2019. The statement of the victim was recorded under Section 161 of the Code of Criminal Procedure wherein she stated that her father committed the act which is an offence punishable under the aforesaid sections. The applicant was arrested on 23/02/2019. The victim is the daughter of the applicant. The medical report does not support the victim's version. Be that as it may, the applicant is the father of the victim. At the relevant time the applicant was 12 years of age. Before the Sessions Court the affidavit was filed by the complainant that the FIR was filed due to misunderstanding and because of some mistake. The same was lodged because of the influence of third persons. There is a statement of the daughter on record before the learned trial Court that she has no objection if the applicant is released on bail and the allegations made in the FIR are false. The complainant is personally present in the Court insists that the applicant be released on bail and stands by the affidavit filed before the Sessions Court. *Prima facie* the medical opinion is not in

favour of the prosecution. The applicant is in custody for almost 4 years with the possibility of the trial concluding any time soon appearing to be distant, the applicant can be released on bail. There are no criminal antecedents are reported against the applicant.

4. Hence, the following order :-

ORDER

- (a) Application is allowed.
- (b) Applicant-Pundlik Rajaram Palshetkar shall be released on bail in connection with C.R. No.I-58 of 2019 dated 23/02/2019 registered with Vartak Nagar Police Station, on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.15,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) The applicant shall attend the trial regularly.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

5. The Bail Application is disposed of.

(M. S. KARNIK, J.)