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

BAIL APPLICATION NO.744 OF 2023

SANJANA DADASAHEB SAWANT	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

None for the applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 27, 2023.

P.C. :

1. None appears for the applicant.
2. This is an application for bail in respect of the offence punishable under Sections 363, 366, 366(A), 376, 376(J), 370, 342, 344, 34 of the Indian Penal Code (hereafter 'IPC' for short), under Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012 (hereafter "POCSO Act", for short) and under Sections 9, 10, 11 of the Prohibition of Child Marriage Act registered on 25.07.2021 vide C.R. No.198 of 2021 with Wagle Estate Police Station, Thane.
3. With the assistance of learned APP I have perused the materials on record and the statement of the victim which is

at page 93 of the paper book. The applicant and one person called Guru @ Aniket Borat sometime in July 2021 induced the victim to accompany them on the pretext that they will secure her a job. The victim accompanied the present applicant and the said Aniket. Upon reaching Gujarat the other co-accused accepted a sum of Rs.1,50,000/- from an aged person namely Daya @ Maharaj out of which the applicant and the co-accused-Aniket received a sum of Rs.50,000/-. The applicant realised that she was being forced to marry co-accused – Ranabhai Makwana aged 45 years.

4. Learned APP invited my attention to the order dated 16.10.2023 passed by this Court in respect of the co-accused – Lilaben Udabhai Wadi who has a lesser role than the present applicant. This Court passed the following order in Criminal Bail Application No.3073 of 2022 :-

"1. The learned counsel for the Applicant, on instructions, seeks leave to withdraw the Application.

2. Considering his request, the Application is allowed to be withdrawn and disposed of.

3. The learned counsel for the Applicant submitted that, liberty be given to the Applicant to file fresh Application before the Trial Court in case any co-accused is released on bail. Liberty granted."

5. In the facts and circumstances of the present case considering the nature of accusations which are serious in nature, I am not inclined to enlarge the applicant on bail.

6. The application is rejected.

7. Liberty to apply after the evidence of the child witness is recorded under Section 35(1) of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). Since the applicant is in custody for more than two years, the trial Court is requested to record the evidence of the child witness under Section 35(1) of the POCSO Act expeditiously.

(M. S. KARNIK, J.)