



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

BAIL APPLICATION NO. 1003 OF 2023

SANTOSH DATTATRAY NAZIRKAR ..APPLICANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Mr. Sandeep S, Salunkhe, for the Applicant.
Mr. Prashant Kamble i/b Mr. Vikrant Phatate, for
Complainant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 4, 2023

P.C. :

1. Learned counsel for the applicant, on instructions of the father of the applicant who is personally present in the Court, seeks leave to withdraw the bail application with liberty to apply for bail after 3 months.
2. The bail application is allowed to be withdrawn with liberty.
3. The trial Court is requested to record the evidence of child witness (now a major) in terms of mandate of section 35(1) of the Protection of Children from Sexual Offences Act, 2012 expeditiously and preferably within a period of 3 months from the date when this order is produced on

record.

4. It is made clear that question as regards the age of the child at the time of the date of the incident for the applicability of the POCSO Act is kept open and I have not expressed any opinion on that aspect of the matter.

5. Liberty to apply for bail afresh after 3 months or after the evidence of the child witness is recorded, whichever is earlier.

6. The bail application is disposed of as withdrawn with liberty as above.

(M. S. KARNIK, J.)