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

BAIL APPLICATION NO.1009/2023

GANPAT RAGHUNATH PADAL

..APPLICANT

VS.

THE STATE OF MAHARASHTRA & ANR.

..RESPONDENTS

Adv. Shubhangi Parulekar for the applicant.

Ms. Rutuja Ambekar, APP for the State.

Adv. Trupti Khamkar for the respondent no.2.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 8, 2023.

P.C. :

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the respondent no.2 who is the mother of the victim.

2. This is an application for bail in respect of the offence punishable under Sections 376 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012 (hereafter 'POCSO Act' for short) registered on 24/11/2022 vide C.R. No.514/2022 with Chaturshringi Police Station, Pune.

3. Considering the nature of the proceedings I had also requested learned counsel Trupti Khamkar to appear on behalf of the respondent no.2 and to assist this Court.

4. Learned counsel for the applicant submitted that there is a delay in lodging the First Information Report (FIR). The victim at the relevant time was four years of age. It is the submission of learned counsel for the applicant the the complainant who is the victim's mother was a tenant in respect of the premises owned by the applicant. The applicant called upon the informant to vacate the premises and hence this false complaint is lodged. The contentions raised by learned counsel for the applicant are subject matter of trial.

5. With the assistance of learned counsel for the applicant, I have gone through the statement of the victim and other materials on record. Considering the serious nature of the accusations, I am not inclined to entertain the present application at this stage.

6. In the facts and circumstances of the present case, I am inclined to request the trial Court to record the evidence of the child witness expeditiously, preferably within a period

of six months from the date of the copy of this order placed before the trial Court.

7. Liberty to apply for bail after six months or after recording the evidence of the child witness, whichever is earlier.

8. The trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. The application is rejected and disposed of accordingly.

10. I appreciate the valuable assistance rendered by Advocate Trupti Khamkar, who appeared on behalf of respondent No.2 in this proceeding. Her engagement may be regularized by the Maharashtra State Legal Services Authority.

(M. S. KARNIK, J.)