



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

BAIL APPLICATION NO. 1573 OF 2023

SANTOSH RAJARAM SONAWANE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. Tejas Hilage for the Applicant.

Adv. Rushikesh Kale for Respondent No.2.

Mr. P. H. Gaikwad, APP for the State.

D.K. Nagawade, PSI, Chandannagar Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 15, 2023

P.C. :

- 1.** Heard learned counsel for the applicant, learned counsel for respondent No.2 and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 363, 376 and 376(2)(n) of the Indian Penal Code and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), registered on 07/07/2022 vide C.R. No.247 of 2022 with Chandannagar Police Station, Pune.
- 3.** The victim's mother had filed a complaint alleging that the victim, who was 17 years and 10 months of age at the relevant time, was not found at home. Accordingly, the FIR

was filed on 07/07/2022. It was later realised that the applicant had induced the victim to go along with him.

4. Learned APP opposed the application and submitted that the applicant is a married man having 2 children. The applicant during the subsistence of his marriage has induced the minor child to go with him and committed the present crime. It is further submitted that the applicant is the maternal uncle of the victim.

5. The applicant was arrested on 31/10/2022. Learned counsel for respondent No.2/victim appears and submits that the victim is personally present in the Court. Learned counsel for respondent No.2 identified the victim. He further submits that the victim is now major and has no objection if the applicant is enlarged on bail.

6. The applicant is in custody for a period of 13 months as an undertrial. The trial is not likely to conclude any time soon. In the facts and circumstances of the present case, further incarceration will only be by way of a pre-trial punishment. I am, therefore, inclined to enlarge the applicant on bail by imposing conditions. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Santosh Rajaram Sonawane in connection with C.R. No. 247 of 2022 registered with Chandannagar Police Station shall be released on bail 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 not contact, threaten or intimidate the victim.

(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.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

7. The application is disposed of.

(M. S. KARNIK, J.)