



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

BAIL APPLICATION NO. 2248 OF 2023

NAVNATH SAHEBRAO JADHAV

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR.

..RESPONDENTS

Adv. Shailesh Kharat for the Applicant.

Adv. Nagesh Khedkar for Respondent No.2.

Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 12, 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 376AB, 376(2)(f), 377, 323 of the Indian Penal Code and Sections 6(1) read with 5(m)(n) of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) registered on 01/07/2022 vide C.R. No.346 of 2022 with Loni Kalbhor Police Station, Pune.

3. The applicant is the brother of the informant's second husband. There are 2 victims. The informant is the mother of the victims. One victim is the complainant's son aged 8 years and another is a girl aged 4 years who was born out of her second marriage. It is the version of the informant that on 20/05/2022, as she was 9 months pregnant, she was taken to the Sassoon Hospital for delivery. Pursuant to her discharge, on 23/05/2022, when she came back home, she realized that her children were assaulted by the applicant and had committed acts on them which constitutes an offence under the aforesaid sections.

4. Learned APP opposed the application and invited my attention to the victim's statement and also to the statement of the informant. The medical reports, *prima facie*, do not support the case of the prosecution as it is submitted by the learned APP that the victims were examined almost after 1 month and 6 days from the date of the alleged incident.

5. The complainant has filed an affidavit stating that the FIR was lodged due to some misunderstanding. It is

submitted that she has no objection if the applicant is enlarged on bail.

6. The applicant is in custody since 01/07/2022. The investigation is complete and the charge sheet is filed. There are no criminal antecedents reported against the applicant. In the facts and circumstances of the present case, the applicant can be enlarged on bail by imposing stringent conditions as he is already in pre-trial custody for more than 1 year and 5 months. Any further custody can only be by way of a pre-trial punishment. In any case, the trial is likely to take a long time to conclude. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Navnath Sahebrao Jadhav in connection with C.R. No.346 of 2022 registered with Loni Kalbhor Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall not enter into the jurisdiction of Loni Kalbhor Police Station, till further orders of the trial Court.

(e) 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.

(f) The applicant shall not contact, threaten or intimidate the complainant and the victims.

(g) 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.

(h) 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.)