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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2625 OF 2023**

SANDEEP KRUSHNA PAWAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR.

..RESPONDENTS

Adv. Atul Kakade for the applicant.

Ms. Rutuja Ambekar, APP for the State.

Adv. Satish Shukla for respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 8, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 376(2)(f)(n), 376(3) of the Indian Penal Code (hereafter 'IPC' for short) and under Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012 (hereafter 'POCSO Act', for short) registered on 16.11.2021 vide C.R. No.1163 of 2021 with Andheri Police Station.

3. It is alleged that the applicant has committed the act which is an offence under the aforesaid sections. The applicant is the father of the minor victim. The applicant

was arrested on 16.11.2021 and is now in custody for more than two years.

4. Learned APP opposed the application for bail. Learned APP submitted that the accusations are serious and the applicant should not be enlarged on bail.

5. Learned counsel appearing for the respondent No.2-complainant submitted that the victim was 15 years of age at the relevant time. The victim's mother as well as the victim are present in the Court and they submit through their counsel appearing for them that they have no objection if the applicant is enlarged on bail.

6. In the present case the investigation is complete and the charge-sheet has been filed. The applicant will face the consequences of the trial if found guilty of the offence. The applicant is incarcerated for more than two years. The trial is not likely to conclude any time soon. Any further incarceration will only be by way of a pre-trial punishment. In the facts and circumstances of the present case I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Sandeep Krushna Pawar in connection with C.R. No.1163 of 2021 registered with Andheri 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) 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.
- (f) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(g) The applicant shall not threaten or intimidate the victim in any manner.

7. The application is disposed of.

(M. S. KARNIK, J.)