

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3607 OF 2022

Anna V Kotwal
V/s.

...Applicant

The State of Maharashtra and anr.

...Respondents.

Mr. Ganesh Gole i/b Mr. Ateet Shirodkar for the Applicant.

Mr. P.H. Gaikwad-Patil, APP for the Respondent/State.

Ms Vrushali Raje, Appointed Advocate for the Respondent No.2.

CORAM : N.R. BORKAR, J.
DATE : 27.02.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.104 of 2022 registered at Wadner-Bhairav Police Station, Nashik Rural for the offences punishable under Sections 377 of the Indian Penal Code and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act.
3. I have heard the learned counsel for the applicant, the learned APP for the respondent - State and the learned counsel for respondent No.2.
4. According to the prosecution, the victim aged about 5 years used to go to the house of present applicant to play with children in his family. It is alleged that on the date of incident, which took

place on 20 June 2022, the present applicant made her to suck his private part.

5. The applicant appears to be aged about 50 years and his family consists of wife, sons and daughters. From the documents filed on record, there appears to be dispute between the applicant and the parents of the victim. Thus, *prima facie*, it is unlikely that the parents of the victim would allow her to go to the house of applicant. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 104 of 2022 registered at Wadner-Bhairav Police Station, Nashik Rural for the offences punishable under Sections 377 of the Indian Penal Code and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

[N.R.BORKAR, J.]