

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

BAIL APPLICATION NO. 920 OF 2024

Sanjay Mahadev Lawate

.Applicant

Versus

The State of Maharashtra & Anr.

.Respondents

Mr. Vikrant Phatate a/w. Mr. Mahesh Arjun i/b. Mr. Vishal Waghela & Mr. Vijay Bendgude, for the Applicant.

Ms. Savita Yadav, APP, for Respondent No.1-State.

Mr. G. M. Savagave a/w. Mr. Abhiman Patil, for Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.

DATE: 23.04.2024

P. C.

1. Heard Mr. Phatate, learned Counsel for the Applicant, Ms. Yadav, learned APP for Respondent No.1-State and Mr. Savagave, learned Counsel for Respondent No. 2.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C.R. No.	610 of 2023
2.	Date of registration of F.I.R.	12.07.2023
3.	Name of Police Station	Sangola, District-Solapur
4.	Sections invoked	363, 366, 452, 143, 147, 149, 504, 506 & 120B of the I.P.C., 1860; 8 & 12 of the Protection of Children from Sexual Offences Act, 2012.
5.	Date of incident	12.07.2023
6.	Date of arrest	05.10.202

7.	Date of filing of Charge-sheet	December, 2023
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3. The prosecution case as reflected in the various statements shows that the family of the victim and family of Accused No.1–Dhanaji Sanjay Lawate are related to each other. These two families had arranged the marriage of the victim with Accused No.1–Dhanaji Lawate. Thereafter, a romantic relationship developed between them. However, as stated by the victim in her statement dated 16.09.2023, thereafter, somebody told the father of the victim that said Dhanaji is getting married with the victim as he wanted to capture the property of the victim's father, therefore, the father and other family members of the victim started opposing the proposed marriage between the victim and the Accused No.1–Dhanaji Lawate. The statement of the victim girl shows that the father and maternal uncle of the victim were assaulting the victim and in fact, they have decided to eliminate said Accused No.1–Dhanaji Lawate as well as to kill the victim. The said statement is dated 16.09.2023. The F.I.R. was lodged on 12.07.2023. Insofar as the present F.I.R. is concerned, the informant i.e. father of the victim in the statement dated 12.07.2023 on the basis of which the F.I.R. was lodged, has stated that in the night at 2.00 a.m. on 12.07.2023, Accused No.1–Dhanaji Lawate, his brother–Birudev Lawate, his father–Sanjay Lawate i.e. the present Applicant, his mother and his maternal uncle came in the house of the informant and they abducted the victim. Thereafter, the victim was

residing with the family of Accused No.1–Dhanaji Lawate for about two months. Insofar as abduction of the victim is concerned, the said role is attributed to Accused No.1–Dhanaji Lawate and Accused–Mayappa Lawate i.e. maternal uncle of Accused No.1–Dhanaji Lawate. The role attributed to the present Applicant is that he has helped his son in kidnapping the victim girl as well as when the incident took place, he was holding an Axe in his hand.

4. It is the contention of Mr. Phatate, learned Counsel for the Applicant that Co-accused Nos.5, 6, 7, and 8 have been granted bail and Accused No.4 has been granted interim Anticipatory Bail. He submitted that the Applicant is a senior citizen aged 60 years. He submitted that there are no antecedents. He submitted that as the victim had informed Accused No.1–Dhanaji Lawate that her family had planned to kill Accused No.1–Dhanaji Lawate as well as her, therefore, these extreme steps were required to be taken to safeguard the life of the victim. He therefore submitted that the Applicant is entitled for bail.

5. On the other hand, Ms. Yadav, learned APP for the Respondent No.1 and Mr. Savagave, learned Counsel for the Respondent No.2 vehemently opposed the Bail Application. They submitted that there is a rivalry between these two families. Therefore, if the Applicant is granted bail then there is a likelihood that the Applicant will commit another offence. Ms. Yadav, learned APP, on instructions, submitted that there are no antecedents insofar as the present Applicant is

concerned.

6. Mr. Savagave, learned Counsel for Respondent No.2 also pointed out the F.I.R. dated 10.03.2023 lodged at the instance of the victim for the offences punishable under Sections 366, and 376(2)(n) of the Indian Penal Code, 1860 and under Sections 4, 8, & 12 of the Protection of Children from Sexual Offences Act, 2012. However, it is significant to note that in the statement which is recorded with respect to the present offence is concerned, the victim has specifically stated that the said false F.I.R. was lodged at the instance of her father.

7. In any case, the factual position on record shows that the incident has taken place on 12.07.2023. The Applicant was apprehended on 05.10.2023. The Charge-sheet was filed in December, 2023. Investigation is complete. Till date, there is no further progress in the trial. As per the Charge-sheet, the prosecution intends to examine 41 witnesses. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

8. The Applicant is a senior citizen aged 60 years and he is an agriculturist.

9. Prima facie, there is substance in the contention of Mr. Phatate, learned Counsel for the Applicant that as the family of the victim had decided to kill Accused No.1–Dhanaji Lawate as well as the victim, these extreme steps were taken. There are no other antecedents.

10. As some apprehension is expressed by Mr. Savagave, learned

Counsel for Respondent No.2, Mr. Phatate, learned Counsel for the Applicant, on instructions, states that the Applicant will not enter District–Solapur and will reside at the residence of Mr. Dadaso Bapurao Didwagh, R/o. Didwaghwadi, Divad, Taluka–Man, District–Satara and will attend the Mhaswad Police Station, Satara.

11. There are no antecedents.
12. The Applicant does not appear to be at risk of flight.
13. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
14. In view thereof, the following order:-

ORDER

(a) The Applicant - Sanjay Mahadev Lawate be released on bail in connection with C.R. No.610 of 2023 registered with the Sangola Police Station, District – Solapur on his furnishing P.R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(b) The Applicant shall not enter District – Solapur after being released on bail, except for reporting to the Investigating Officer, if called and for attending the trial.

(c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(d) The Applicant shall report to the Mhaswad Police

Station, District – Satara once a week, on Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Mhaswad Police Station, District - Satara to communicate details thereof to the Investigating Officer.

(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 such a person from disclosing the facts to the Court or to any Police personnel.

(f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

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

(h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

15. The Bail Application is disposed of accordingly.

16. It is clarified that the Trial Court shall decide the case on its merits, uninfluenced by the prima facie observations made in this order.

[MADHAV J. JAMDAR, J.]