

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

BAIL APPLICATION NO. 632 OF 2024

Deepak Vijay Sawant

...Applicant

vs.

The State of Maharashtra

...Respondents

Mr. Sandeep R. Karnik	Advocate for the Applicant
Mr. H. J. Dedhia	APP for the Respondent-State
Mr. Dhananjay Bhosale a/w Ms. Rui Farroq Danawala (through VC)	Advocate for Respondent No. 2
Complainant present in-person	

CORAM : S. M. MODAK, J.

DATE : 02nd MAY 2024

P. C. :-

1. It is true that on merits earlier bail application of this Applicant was rejected on 01/08/2023. Liberty was granted to apply after six months. Six months is already over that is why fresh bail application. The first informant is present. She has filed an affidavit through appointed advocate thereby opposing the bail. It is annexed with copy of the few letters sent from the jail by the Applicant. One is addressed to the occupant of the building i.e. Dhanraj and others to the wife of the first informant. Those letters are not clearly legible but with the

assistance of the first informant, learned APP tried to read those letters. What is said in those letters is a request made by the Applicant to his wife-first informant to withdraw the case. Even there is mentioned about his future plans for the family.

2. It is true that allegations are of serious nature. There is allegation of the sexual abused against his own minor daughter. It is also true that the Applicant is behind bar since the date of the arrest. The incident is of 08/10/2021. Yet evidence recording is not started and even charge is not framed.

3. It is cardinal principle that there should not be punishment by way of pre-trial detention. The Applicant can be put to stringent condition. So I am inclined to grant bail.

4. Hence following Order :

ORDER

(i) Bail Application is allowed.

(ii) Applicant-Deepak Vijay Sawant arrested in connection with C.R. No. 218 of 2021 registered with Vishnunagar Police Station, Dombivli, District Thane for the offence punishable under Sections 376-AB, 354-A, 323, 504 and

506 of the Indian Penal Code and under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act and Sections 77 and 75 of the Juvenile Justice (Care and Protection of Children) Act 2015, be released on bail on furnishing Personal bond and surety bond in sum of Rs. 50,000/-.

- (iii) Applicant is directed not to enter the Kalyan Taluka except for attending the Court case.
- (iv) The Applicant to furnish his alternate address of residence to the Police and to the Court.
- (v) Applicant shall not threaten the prosecution witnesses.
- (vi) If any of the condition is breached, his bail is liable to be cancelled after notice.

5. It is made clear that these are my *prima-facie* observations and the trial Court shall decide the case on its own merits without influenced by the observations made in this order.

6. Application is disposed of in the aforesaid terms.

7. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]