



PMB

905.BA.947-24.doc

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

BAIL APPLICATION NO.947 OF 2024

RISHIKESH LAHU SHIRSATH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. Rajabhau S. Chaudhari a/w Adv. Kishan S. Chaudhari
for the applicant.

Mr. S. H. Yadav, APP for the State.

PSI S. R. Salunkhe, Kurar Police Station, Mumbai.

CORAM : M. S. KARNIK, J.

DATE : MARCH 19, 2024

P.C. :

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

2. This is a second application for bail in respect of the
offence punishable under Sections 376(2)(i), 363 of the
Indian Penal Code (hereafter 'IPC' for short) and under
Sections 4, 8 and 12 of the Protection of Children from
Sexual Offences Act, 2012 (hereafter "POCSO Act", for
short) registered on 29.09.2021 vide C.R. No.919 of 2021
with Kurar Police Station, Mumbai.

3. On 01.12.2023 this Court passed the following order :-

"1. Learned counsel for the applicant on instructions seeks leave to withdraw this application with liberty to file a fresh application after three months or after the evidence of the child witness under Section 35(1) of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) is recorded by the trial Court, whichever is earlier.

2. The trial Court is requested to record the evidence of the child witness expeditiously and preferably within a period of three months from today.

3. The application is allowed to be withdrawn with liberty as prayed for and disposed of accordingly."

4. The deposition of the victim has been recorded by the trial Court. The victim has turned hostile. The applicant was arrested on 29.09.2021. The applicant is now in custody for more than two years and five months. As the material witness has been examined there is no question of now tampering with the evidence. The applicant can be enlarged on bail though learned APP opposed the application for bail contending that the applicant has committed a serious offence under the provisions of POCSO Act. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Rishikesh Lahu Shirsath in connection with C.R. No.919 of 2021 registered with Kurar Police Station, Mumbai shall be released on bail on his furnishing P.R. Bond of Rs.10,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs.10,000/- 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) Except for attending the trial the applicant shall not enter the jurisdiction of Kurar Police Station after being released on bail, till the trial concludes.

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

5. The application is disposed of.

(M. S. KARNIK, J.)