



Diksha Rane

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

BAIL APPLICATION NO.3670 OF 2023

LAXMAN SHANKAR PAWAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA & ANR.

..RESPONDENTS

Adv. M. M. Funde for the applicant.

Mr. C. D. Mali, APP for the State.

Adv. Suraj V. Gadkari for the respondent no.2.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 15, 2024.

P.C. :

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the respondent no.2.

2. This is the second bail application in respect of the offence punishable under Sections 376(2) (f)(n), 114 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 4, 6, 8, 12, 14, 15, 16 of the the Protection of Children from Sexual Offences Act, 2012 (hereafter 'the POCSO Act' for short) read with Sections 3(ii) (iii) of the Maharashtra Prevention and Eradication of Human Sacrifice, other Inhuman and Aghori Practices and Black Magic Act, 2013 read with Sections 67(a), 67 (b) of the

Information Technology Act registered on 15/3/2023 vide C.R. No.184/2023 with Ambarnath Police Station, District - Thane.

3. By an order dated 20/10/2023, first bail application was allowed to be withdrawn with liberty to apply for bail after the evidence of the child witness is recorded. The evidence of the child witness was recorded. The complainant (child witness) has turned hostile.

4. Learned counsel for the respondent no.2 submitted that the complainant has no objection if the applicant is enlarged on bail. The complainant-victim is present in the Court. She is identified by her advocate. The victim is now major. She states that there is no force or any pressure exerted on her for making such statement which is voluntary about her no objection if the applicant is enlarged on bail.

5. Considering that the evidence of all the material witnesses has been recorded, though the application is opposed by learned APP contending that the only the evidence of the investigating officer and the statement of the accused under Section 313 of the Code of Criminal

Procedure is to be recorded, I am of the opinion that in the facts and circumstances of the present case, the applicant need not be detained in the custody any further.

6. The applicant was arrested on 15/3/2023 and now is in custody for almost twelve months. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Laxman Shankar Pawar in connection with C.R. No.184/2023 registered with Ambarnath Police Station, District - Thane, 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.

7. The application is disposed of.

(M. S. KARNIK, J.)