

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3682 OF 2023**

Rohit Malhari Jadhav

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Ms. Shubhangi Parulekar, for the Applicant.

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

Ms. Saili N. Dhuru, for Respondent No.2.

Ms. Girija Bharat Mhaske, API, Khadak Police Station, present.

Ms. Alpana Vinod Naydu, Respondent No.2, present.

CORAM : MADHAV J. JAMDAR, J.**DATED : JANUARY 11, 2024****P.C.:**

1. Heard Ms. Parulekar, learned Counsel appearing for the Applicant, Mr. Gaikwad, learned APP appearing for the Respondent No.1.-State and Ms. Dhuru, learned Counsel appearing for Respondent No.2.

2. This is a regular Bail Application preferred under Section 439 of the *Code of Criminal Procedure, 1973*.

3. The relevant details are as follows:-

1	C.R. No.	119/2023
2	Date of Registration of F.I.R.	19/03/2023
3	Police Station	Khadak Police Station

4	Sections Applied	363, 368, 376(2)(N)(F)(I) of the <i>Indian Penal Code, 1860</i> and 4, 5(N), 6, 9(N), 10, 11(4), 12 of the <i>POCSO Act, 2012</i> .
5	Date of Incident	May 2019
6	Date of Arrest	13/05/2023
7	Date of filing of Charge-sheet	07/07/2023

4. The victim was aged 16 years and 9 months when the FIR was lodged. The informant is the mother of the victim. As per the prosecution case, the victim was in romantic relationship with one Shashikant Bhonde-Accused No.2. In fact, he is the main Accused.

5. It is the case of the prosecution that the victim was found with Accused i.e. Shashikant Bhonde after 7 days. It is the case of the prosecution that during the investigation of said crime the victim disclosed about the incident which took place in May 2019, where there is involvement of the present Applicant.

6. It is the submission of learned Counsel appearing for the Applicant that the allegations are made against the Applicant to shield the main Accused Shashikant Bhonde as the victim is in romantic relationship with said Shashikant.

7. Mr. Gaikwad, learned APP strongly opposes the Bail Application. It is his submission that the statements recorded under Section 164 shows involvement of Applicant. He submitted that the victim is absconding and, therefore, bail should not be

granted.

8. Ms. Saili Dhuru, learned Counsel appearing for the Respondent No.2-Complainant i.e., mother of the victim submitted that, in fact, the victim has again fled from the house and, therefore, another FIR No.1704 of 2023 dated 6th November 2023 has been lodged. She submitted that through social media, Respondent No.2 i.e., mother of victim has come to know that the victim has married the main Accused i.e., Shashikant. She submitted that although initially the Respondent No.2-mother believed the victim that the present Applicant has committed the offence but in view of subsequent developments, she is now of the opinion that the victim has made allegations against the Applicant to shield the main Accused i.e., Shashikant Bhonde.

9. The main Accused i.e., said Shashikant Bhonde has not been arrested and he is absconding. There are several cases against said Shashikant Bhonde and an externment order has also been passed against him.

10. In this case, the Charge-sheet has already been filed. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

11. The Applicant who is a young man aged 22 years is incarcerated since 13th May 2023. The present Applicant does not have any criminal antecedents. The Applicant does not

appear to be a flight risk. Accordingly, the Applicant can be enlarged on bail by imposing conditions. Hence, the following order:-

ORDER

- (a) The Applicant - Rohit Malhari Jadhav be released on bail in connection with C.R. No.119 of 2023 registered with the Khadak Police Station, Pune on his furnishing P. R. Bond of Rs.10,000/- with one or two sureties in the like amount.
- (b) After 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 there is any change.
- (c) The Applicant shall report to the Khadak Police Station, Pune once in every month, on first Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial.
- (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/her from disclosing the facts to Court or any Police Officer.
- (e) The Applicant shall not tamper with the evidence and shall not contact or influence the Complainant or any witnesses in any manner.
- (f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.
- (g) The Applicant shall surrender his passport, if any, to

the Investigating Officer.

12. The Application is disposed of.

[MADHAV J. JAMDAR, J.]