

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4138 OF 2023

Ravi Laxman Jhanjwadia @ Waghri ...Applicant

vs.

The State of Maharashtra and Anr. ...Respondents

Ms.Anjali Patil:-	Advocate for Applicant.
Mr.H.J.Dedhia:-	APP for Respondent No.1 – State.
Mr.Arun Rajput i/b.Mr.Vikas Tiwari:-	Advocate for Respondent No.2.
Mr.Sangram Malekar – PSI:-	Hill Line Police Station – Ulhasnagar – 5.

CORAM : S. M. MODAK, J.

DATE : 2nd APRIL 2024

P. C. :-

1. Heard learned Advocate Ms.Patil for the Applicant, learned APP and learned Advocate Mr.Rajput holding for learned Advocate Shri.Vikas Tiwari for the First-Informant, mother of the Victim.

2. The earlier Bail Application filed by this Applicant was withdrawn (Page No.97). Now, the contention is raised that it was not heard on merits but withdrawn. The order does not mention about

withdrawal after hearing.

3. The contention is raised that there is inconsistency in between the averments in the FIR and averments in the statement of the victim. The FIR is lodged by the mother of the victim on the basis of facts disclosed to her by the victim. The contention is raised that except an offence under Section 7 of the Protection of Children from Sexual Offences Act, 2012 ("POCSO Act"), no other offences are disclosed. It is true that as per the averments in the FIR, graver offence is disclosed. Whereas, as per the statement of the victim, lesser offence is disclosed. Today this court is not inclined to go into this issue.

4. The First-Informant is present. She has filed an Affidavit thereby giving no objection for grant of bail. It is taken on record and marked as **Annexure-X**. Earlier, the same First-Informant has filed an Affidavit on 13th February 2024. It is on Page No.98 thereby objecting for grant of bail.

5. If the Applicant is granted bail, one does not know whether the witnesses will depose before the Court. So, today I am not inclined to grant the Bail. Let sometime be granted to the trial Court to proceed with the matter. If the trial is not proceeded within three months from

today, then Applicant is at liberty to file an Application. Hence disposed of.

[S. M. MODAK, J.]