

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1703 OF 2024

Dasopanth Haribhau Undalkar ... Applicant

V/s.

The State of Maharashtra and Anr. ... Respondent

Mr. Vishal V. Rankhambe, with Mr. Afsar Ansari, for applicant.

Ms. Supriya Kak, APP, for the respondent/State.

Mr. Shanice Mansukhani i/by Mr. Nikhil Maneshinde, for respondent no. 2.

Mr. Rahul J. Dudhmal, PSI, Alandhi.

CORAM : ANIL S. KILOR, J.

DATE : 12TH JUNE, 2024.

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1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.19 of 2024, registered with Alandi Police Station for the offences punishable under Sections 377, 323, 354-A of the Indian Penal Code and section 4, 5(f), 6, 8 and 10 of the Protection Of Children from Sexual Offences Act (POCSO, 2012 and section 75 of Juvenile Justice Act.

3. The learned counsel for the applicant tries to impress upon this Court that there are contradiction in the statements of three victims and considering the fact that the medical report is contrary to the allegations made by the victims, it is evident that the complaint is false. He submitted that the applicant is working in said institution from the year 1992 and till date except the present complaint there is no other complaint made by anybody in past. It is submitted that the applicant is highly reputed person and he is a 'warkari'. He submitted that the applicant is in jail since 26th January 2024 and since the charge-sheet is filed further custody of the applicant is not necessary and required.

4. On the other hand, learned APP strongly opposes the application and points out that the statements of the victims recorded under section 164 of Cr.P.C., seizure panchnama of Mobile Phone and transcript of the conversation of the victim with his father, from which he tries to point out that the applicant is involved in the alleged offence. He therefore, prays for rejection of the bail.

5. Learned counsel for respondent no. 2-victim reiterates the arguments of learned APP and prays for dismissal of the present application.

6. I have perused the charge-sheet and thereupon it is evident that there is a sufficient incriminating material available against the applicant to show his involvement in the alleged offence. The offence

is very serious and the statements of the victims recorded under section 164 supports the case of the prosecution.

7. In view of the evidence available on record to *prima facie* show the involvement of the applicant in the alleged offence, I am not inclined to grant bail. Accordingly, application is rejected.

8. At this stge, learned counsel for the applicant prays for expediting the trial. Considering the seriousness of the offence and the fact that the applicant is a 'warkari' and worked in the institution for so many years, the trial Court is directed to expedite the trial.

(ANIL S. KILOR, J)