

BHALCHANDRA
GOPAL DUSANE

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

BAIL APPLICATION NO.3836 OF 2024

Birudev Sanjay Lawate	...Applicant
V/s.	
The State of Maharashtra & Anr.	...Respondents

Mr. Vikrant Phatate a/w Mr. Vishal Waghela, Advocate for Applicant.
Ms. P.P. Bhosale, APP for Respondent-State.
Mr. G.M. Savagave a/w Mr. Abhiman D. Patil for Respondent No.2.
Mr. Pavan More, API, Sangola Police Station, present.

CORAM : MADHAV J. JAMDAR, J.
DATE : 10th December 2024

P.C. :

1. The conduct of the victim is a very shocking.
2. On 27th November 2024, the victim was personally present in Court and in her presence various representations/applications filed by the victim and her family members have been pointed out to the Court including Application dated 7th November 2024 and 10th June 2024. In spite of submission of these applications, no action was taken and therefore, the Superintendent of Police, Solapur was directed to remain present before this Court through VC.
3. Thereafter on 28th November 2024, the Superintendent of Police, Solapur (Rural) was present before this Court through VC and stated that effective steps would be taken.

4. Today Ms. Bhosale, learned APP pointed out that the victim was missing from 4th December 2024 from her parents house and she was found at Pandharpur and her statement has been recorded on 6th December 2024 by the Police. In the said statement the victim has stated that she alongwith Laxmi Birudev Lawate i.e. wife of the present Applicant were staying together at Pandharpur. Today the victim who is present in the Court submitted that the earlier statements are not correct and therefore the matter is taken in the Chamber.

5. In this background, it is required to be noted that the victim has filed Affidavit dated 19th November 2024 (pages 437 to 443), in which it is *inter alia* stated that the statement recorded by Police authorities on 16th September 2023 has been recorded at the instance of one Dhanaji Sanjay Lawate i.e. Accused No.1. In the said Affidavit, it is stated that her signature on the said statement has been taken without giving any information to her.

6. The victim who is present in the Chamber states that the said Affidavit dated 19th November 2024 is merely signed by her and she has not been allowed to read the contents of the said Affidavit.

7. Mr. Savagave, learned Counsel appearing for the Respondent No.2 states that the said Affidavit has been readover to her on two occasions and the victim has informed the learned Advocate on

record and learned Counsel that she knows English.

8. Mr. Savagave, learned Counsel appearing for Respondent No.2 submitted that the victim has given statement to the Police authorities on 29th November 2024 in consonance with her affidavit dated 19th November 2024.

9. Although the victim has initially stated that she has merely signed the said affidavit dated 19th November 2024 without allowing her to read the said Affidavit, however, thereafter she stated before this Court that the said Affidavit was readover to her by the learned Advocate appearing for the Respondent No.2. Mr. Savagave, learned Advocate appearing for Respondent No.2 states that even the Notary before whom the Affidavit was executed, also verified that the victim had readover and understood the contents of the Affidavit. Accordingly, the victim is directed to file Affidavit explaining her conduct as prima facie I am satisfied that the victim is deliberately to help the accused is levelling allegations against the learned Advocate appearing for the Respondent No.2. In fact before this Court, she changed her statement from time to time. The conduct of the victim is very serious and therefore it is necessary that the victim should file affidavit explaining her conduct. The affidavit of victim be filed on or before 16th December 2024.

10. At this stage, Mr. Savagave, learned Counsel appearing for Respondent No.2 states that since morning about 10 persons are keeping watch on the Respondent No.2, his wife and also their Advocates. He states that all these persons are either accused in this case or relatives of the accused.

11. Ms. Bhosale, learned APP states that the factual position will be verified and immediate action will be taken as per law.

12. Stand over to **17th December 2024 at 2.30 p.m.**

(MADHAV J. JAMDAR, J.)