

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

**BAIL APPLICATION NO. 568 OF 2024**

Santosh Dattetrey Nazirkar

...Applicant

Versus

1. The State of Maharashtra

2. XYZ

...Respondents

....

Mr. Nitin Gaware Patil a/w Mr. Shantanu Kolhe, Advocate for the Applicant.

Mr. C. D. Mali, A.P.P. for the Respondent No.1 – State.

Mr. Mahesh Subhash A., Advocate for the Respondent No.2.

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**CORAM : N. R. BORKAR, J.**

**DATE : 17<sup>th</sup> FEBRUARY, 2025.**

**P.C.:**

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.783 of 2023 registered at Bharti Vidyapeeth Police Station, Pune City, for the offences punishable under Sections 376 (2) (J), 506 of the Indian Penal Code (IPC) and under Sections 3, 4, 5(n) of Protection of Children from Sexual Offences Act (POCSO).

3. According to the prosecution, the victim and the applicant were friends. It is alleged that on the date of incident which took place on 23.11.2022, the present applicant took her to one hotel and there committed forcible sexual intercourse with her.

4. The learned counsel for the applicant has drawn my attention to the order passed by this Court dated 4<sup>th</sup> November 2023 in Bail Application No.1003 of 2023. By the said order, this Court directed the trial Court to record the evidence of the victim expeditiously and preferably within a period of three months. This court granted liberty to the applicant to file fresh bail application after three months or after the evidence of the victim is recorded, whichever is earlier. It appears from the documents produced on record that the victim is avoiding to appear before the Trial Court.

5. I have perused the statement of the victim. *Prima facie*, the alleged act appears to be consensual. The applicant is in jail for two years. Considering the overall facts and circumstances, I am inclined to release the applicant on bail.

**ORDER**

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No.783 of 2023 registered at Bharti Vidyapeeth Police Station, Pune city, for the offences punishable under Sections 376(2)(J), 506 of the IPC and under Sections 3, 4, 5(n) of the POCSO Act on executing PR. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not contact the victim.
- (iv) Application stands disposed of accordingly.

**(N. R. BORKAR, J.)**