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

CRIMINAL BAIL APPLICATION NO. 1588 OF 2024

Swapnil Ulhas Sarang

.. Applicant

Versus

The State of Maharashtra and Anr.

.. Respondents

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- Mr. Ravindra M. Sawant, Advocate for Applicant.
 - Ms. Mahalakshmi Ganapathy, APP for Respondent No.1 – State.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 04, 2025.

P.C.:

1. Heard Mr. Sawant, learned Advocate for Applicant and Ms. Ganapathy, learned APP for Respondent No.1 – State.

2. Learned prosecutor has placed a typed letter received from the Victim addressed directly in the name of the Judge of this Court, *inter alia*, stating that Applicant should not be granted bail. It is made clear that addressing of letters directly in the name of the Judge and Prosecutor placing the same on record is not appreciated by the Court. The law provides a mechanism as envisaged under the Code of Criminal Procedure, 1973. A message is also required to be sent to the concerned Police Officers and Investigating Officers and that is precisely the reason as to why this Court when it passes orders for effecting service on victims in POCSO matters it categorically states

that a responsible lady Police Officer should be deputed to undertake and serve the papers/proceedings to carry out the exercise of obtaining consent of the victim for legal representation through the Legal Aid, if so required. A letter of consent which is in a typed format stating all options available is generally served on the victim/legal guardian which is duly filled in and signed and placed before the Court by the Investigating Officer through the learned APP. In the present case such consent letter is not placed but a neatly typed letter addressed directly in the name of the Judge is placed before me.

3. Be that as it may, considering the facts and offences in the present case, this Court will follow the procedure that is followed by the Court in such matters and it will not get dictated by any of the diktats of the victims made to the Court directly through such letters. This shall be clearly noted by the prosecution, the concerned Investigating Officers and the Prosecutors appearing in such matters.

4. The order dated 28.03.2025 stands complied with as informed by the learned prosecutor.

5. Ms. Ganapathy, learned APP informs the Court that consent from Respondent No.2 for appointment of Advocate through Legal Aid has been given and appropriate orders be passed for appointing Advocate to espouse the cause of Respondent No.2.

6. In that view of the matter, I am inclined to appoint Ms.

Ashwini Achari, Advocate practicing in this Court (Mobile No.7045690242), through the High Court Legal Aid Services Committee of this Court to represent and espouse the cause of Respondent No.2 forthwith.

7. The High Court Legal Aid Services Committee of this Court is directed to give appointment letter and papers of the matter to appointed Advocate forthwith in accordance with law to represent and espouse the cause of Respondent No.2 through the Legal Aid.

8. As also, learned Advocate for Applicant is directed to serve a copy of the Bail Application on appointed Appointed.

9. Appointed Advocate is directed to take instructions from Respondent No.2 and get prepared in the matter.

10. Investigating Officer is directed to give the number and mobile number of the appointed Advocate to Respondent No.2 / her legal guardian.

11. Let the above exercise be carried out within a period of one week from today.

12. List the Bail Application on Board on **16th April, 2025**. To be placed under the caption '**For Directions**'.

[MILIND N. JADHAV, J.]

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