

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3394 OF 2024

Rajesh S. Sarwade

...Applicant

V/s.

The State of Maharashtra & anr.

...Respondents.

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Mr. Adhik Kadam i/b Mr. Tanveer Jahagirdar for the Applicant.
Mr. C.D. Mali, APP for the Respondent/State.
Mr. Ritesh Thobde, appointed Advocate for Respondent No.2.
PSI Mahadev Yalmar, Nigdi police station present.
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CORAM : N.R. BORKAR, J.
DATE : 06.01.2025.

P.C. :

1. This is an application for bail.
2. The applicant came to be arrested in Crime No.410 of 2022 registered at Nigdi Police Station, Pune for the offences punishable under Section 377 read with 34 of the Indian Penal Code and Sections 4,8 and 12 of the Protection of Children from Sexual Offences Act (POCSO Act).
3. The allegations against the present applicant and other co-accused are of penetrative sexual assault.
4. I have heard the learned counsel for the applicant, the learned APP for the respondent - State and the learned counsel for respondent No.2.

5. The bail is sought on the ground of parity. In support of the said ground, the learned counsel for the applicant has produced on record order dated 21.10.2022 below Exhibit-27 in Special Case (Sessions) No.594 of 2022 passed by the Additional Sessions Judge, Pune. By the said order, the learned Sessions Judge has released the co-accused Kaluram Babu Pawar on bail.

6. The learned APP submits that more serious role is attributed to the present applicant. However, it appears that sessions court has granted bail to the co-accused on the ground that there is no likelihood of conclusion of trial in near future. The applicant is aged about 67 years and is in jail for more than 2 years. Considering these facts, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail in C.R. No. 410 of 2022 registered at Nigdi Police Station, Pune for the offences punishable under Section 377 read with 34 of the Indian Penal Code and Sections 4,8 and 12 of the POCSO Act, on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month, i.e., on first Saturday between 11.00 a.m. to 2.00 p.m., till conclusion of the trial.

[N.R.BORKAR, J.]