

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

BAIL APPLICATION NO. 2377 OF 2018

Sandip @ Gondya Sanjay Chormale

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Raviraj R. Paramane i/b. Mr. Vaibhav R. Gaikwad for the applicant.
Mr. Ajay Patil, APP for the State.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 17th SEPTEMBER, 2018.**

P.C.:

. This is an application under Section 439 of Criminal Procedure Code filed by the aforesaid applicant, who is facing trial in Special (POCSO) Case No.48/2018 for offences punishable under sections 363, 376(2)(n) of the Indian Penal Code and other provisions of The Protection of Children from Sexual Offences Act, 2012. The said case arises from C.R.No.86/2018 registered at Phaltan City Police Station, Taluka Phaltan, Dist. Satara pursuant to the first information report lodged by the father of the victim.

2. Heard Mr. Raviraj R. Paramane, learned counsel for the applicant and Mr. Ajay Patil, learned APP for the State. I have perused the

records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the first information report lodged by the father of the victim. A perusal of the first information report *prima facie* reveals that the victim was a 9th standard student in Sahakar Maharshi Hanmantrao Pawar High School, Swami Vivekanand, Phaltan. On 27/03/2018, one of the teachers informed the first informant that his daughter had not attended the school. Upon inquiry, the first informant learnt that the victim was seen near the school gate till about 12:00 p.m. and thereafter, she had gone alongwith the applicant herein.

4. The records *prima facie* reveal that the applicant had dropped the victim at her residence two days after registration of the crime. The statement of the victim was recorded under section 161 of the Criminal Procedure Code. The said statement *prima facie* reveals that she had stayed with the applicant in a lodge and during this time, the applicant had sexual relationship with her. The statement recorded under section 161 of Cr.P.C. *prima facie* reveals that the applicant had sexual relationship with the victim girl who was a minor. However, in the

statement recorded by the learned Magistrate under section 164 of Cr.P.C., the victim had not stated that the applicant had sexual relationship with her during this period.

5. Considering this fact coupled with the fact that the applicant is in custody since 13/04/2018 and that the investigation is completed and charge sheet is filed, in my considered view, the presence of the applicant is no longer required in custody. The only submission of Mr. Ajay Patil, learned APP is that the applicant has criminal antecedents and that he may interfere with the victim. At this stage, Mr. Raviraj Paramane, learned counsel for the applicant submits that the applicant shall not reside in the village Dattanagar Phaltan until further orders. Statement is accepted.

6. Considering the aforesaid facts and circumstances, in my considered view, the applicant is entitled for bail. Hence, the Bail Application is allowed on following terms and conditions :-

(a) The applicant who is arrested in C.R.No.86/2018 registered at Phaltan City Police Station, Dist. Satara is ordered to be released on bail on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand)

with one or two solvent sureties in the like amount.

(b) The applicant shall not reside in village Dattanagar Phaltan until further orders.

(c) The applicant shall report to Investigation Officer on 1st Monday of every month until further orders.

(d) The applicant shall furnish his permanent address and temporary address, if any, and his contact details to the concerned Court.

(e) The applicant shall not change his residential address without prior intimation to the concerned Court.

(f) The applicant shall not interfere with the victim and the other witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)