

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

BAIL APPLICATION NO.576 OF 2020

Vaibhav Suhas Suryavanshi

.. Applicant

Vs.

State of Maharashtra

.. Respondent

.....
Mr.Prashant Raul i/b. Mr.Kalpesh U. Patil, Advocate for the
Applicant.

Mrs.A.A. Takalkar, APP for the Respondent - State.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 28, 2020.

P.C. :

This is an application for bail in connection with C.R.No.117 of 2017, registered with Radhanagari Police Station, Kolhapur, for the offences punishable under Sections 376, 363 and 366 of Indian Penal Code ("IPC", for short) and Sections 4 and 6 of Prevention of Children From Sexual Offences Act ("POCSO Act", for short).

2 The victim was aged about 16 years 10 months at the time of registering the First Information Report ("FIR", for short). Applicant was granted bail by the Sessions Court. On completing

investigation charge-sheet was filed and the proceedings are pending before the Court of Sessions at Kolhapur. Applicant did not appear before the trial Court on the date of the hearing of the case. Hence, non bailable warrant is issued against him. The warrant was executed on 24th July, 2019, and, he was taken in custody. Applicant applied for bail before the Sessions Court at Kolhapur. The application was rejected on 19th August, 2019.

3 It is submitted that the applicant is resident of Karad. The proceedings are pending in the Court at Kolhapur. In the circumstances, applicant did not appear before the trial Court. However, he undertakes to appear before the trial Court regularly on the date of hearing.

4 Learned APP submitted that for a period of about one year, the applicant did not appear before the trial Court. The trial is delayed on account of non-appearance of the applicant. The applicant is charged for the offences punishable under Section 376 of IPC as well as under the provisions of POCSO Act. There is no guarantee that applicant would appear before the trial Court in the event he is granted bail.

5 I have perused the FIR. From the tenor of the FIR, it is apparent that the applicant and the victim had eloped. Applicant is resident of Karad and the proceedings are pending before the Court at Kolhapur. After execution of warrant, applicant is in custody from 24th July, 2019. He had undergone custody for a period of about six months after execution of the warrant. In the circumstances, bail can be granted to the applicant on certain terms and conditions.

6 Hence, I pass the following order:

:: O R D E R ::

- (i) Bail Application No.576 of 2020, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No.117 of 2017, registered with Radhanagari Police Station, Kolhapur, on his executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall attend the proceedings before the trial Court regularly, unless exempted by the Court;

- (iv) Applicant shall furnish details of place of his residence to the investigating officer, after he is released on bail;
- (v) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)