

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

BAIL APPLICATION NO.2437 OF 2021

BHALCHANDRA
GOPAL
DUSANE

Digitally signed by
BHALCHANDRA
GOPAL DUSANE
Date: 2021.10.22
10:19:08 +0530

Nagesh Dharamrao Katta Applicant

Vs.

The State of Maharashtra Respondent

Mr. Abhinandan Waghmare i/by Vijay Kharpude for Applicant.
Mr. A.R. Kapadnis, APP for State.
PSI, Gokulsingh Rathod, Vile Parle Police Station.
Smt. Mala Chirag Gadoya, complainant present

**Coram : NITIN W. SAMBRE, J.
Date : 21ST OCTOBER, 2021**

P.C.:

1. The applicant is seeking regular bail in Crime No.305 of 2019, registered with Vile Parle Police Station, Mumbai for an offence punishable under Sections 376, 354 and 509 of Indian Penal Code and under Sections 4, 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012. The applicant was arrested on 7th August, 2019 and is charge-sheeted.

2. Perused the allegations against the applicant.
3. The applicant is behind bars for last more than two years. The affidavit is placed on record indicates that applicant is not keeping good health and requires external support. Prima facie, the ingredients of Sections 376 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act are not made out.
4. Considering the fact that the applicant is behind bars for more than two years and the maximum punishment provided is of five years, in my opinion, the applicant deserves to be enlarged on bail on following conditions :

ORDER

- (i) The applicant be released on bail in Crime No. 305 of 2019, registered with Vile Parle Police Station, Mumbai for an offence punishable under Sections 376, 354 and 509 of Indian Penal Code and under Sections 4, 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012, on furnishing P.R. bond in the sum of Rs.15,000/- with one or more sureties in the like amount.

(ii) The applicant shall neither influence the prosecution witnesses in any manner nor tamper with the evidence and shall not contact the victim, her family members directly or indirectly.

(iii) The applicant shall remain outside the jurisdiction of the concerned Police Station, till the conclusion of trial

(NITIN W. SAMBRE, J.)