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

CRIMINAL BAIL APPLICATION NO. 2595 OF 2021

VIJAY RAMLALLU GOSWAMI

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

**Mr. Jaydeep Deo a/w Mr. Amol Mhatre i/b Mr. Sameer Mhatre
advocate for the applicant**

Mr. A. R. Kapadnis APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: SEPTEMBER 28, 2021.

P.C.:

1] Applicant is seeking regular bail in C.R. No. 356/2020 registered with Navghar Police Station for offence punishable under Sections 366(A), 370(4), 376 r/w 34 of the Indian Penal Code and Sections 4, 8 & 12 of the Protection of Children from Sexual Offences Act, 2012.

2] Prosecution case is, during the raid, victim aged about 13 years has stated to have been used in the prostitution.

3] Mother of the victim is also shown to be co-accused.

4] The role attributed to the applicant is that of regular visitor and as such impleaded as an accused. Prosecution is based on call details and statement of witness Mahesh, a watchman.

5] In the aforesaid background, while trying to make out a case for grant of bail, learned counsel for the applicant would urge that there is hardly any material to connect the applicant to the crime in question. Apart from absence of criminal antecedents, it is claimed that applicant is behind the bar since November 10, 2020 and the investigation in the matter is already over as the charge-sheet is filed.

6] If the submissions referred above are appreciated in the light of prosecution story as is put forth by the learned APP, the fact remains that there are no criminal antecedents against the applicant. Charge-sheet against the applicant is already placed on record.

7] Statement under Section 164 of Code of Criminal Procedure, 1973 of the victim does not speak of involvement of the applicant in the crime in question. The only statement which is available on record against the applicant is that of a watchman, Mahesh who stated that applicant has visited about 2-3 times for plumbing work. The victim girl or other witnesses have not stated about involvement of the applicant in the crime in question. In that view of the matter, in my opinion, case for grant of bail is made out.

(i) Applicant be released on bail in C.R. No. 356/2020 registered with Navghar Police Station upon furnishing P.R. bond in the sum of Rs. 15,000/- with one or more sureties in the like amount.

(ii) Applicant shall not influence prosecution witnesses in any manner or tamper with evidence.

8] Application stands disposed of.

[NITIN W. SAMBRE, J.]