

Anand

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

BAIL APPLICATION NO. 547 OF 2022

Pramod Rameshwar Gadekar .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr. Vishal L. Kolekar, Advocate, for the Applicant

Mr. A. A. Palkar, APP, for the Respondent – State

Ms Charu Singh i/b. Mr. Prakash Ghuge, Advocate, for the
Respondent No. 2

Mr. Amol B. Kale, PSI, Sinhagad Police Station, Pune present

CORAM : VINAY JOSHI, J.

DATE : 02.05.2022

P. C.

. At the outset, applicant's learned counsel seeks leave to amend the title cause of the Application. It is submitted that due to typographical mistake, name of applicant's father is mentioned as 'Ramesh' instead of 'Rameshwar'. Leave granted as prayed. Amendment be carried out forthwith.

2. The Applicant, a young boy is seeking for regular bail in connection with C. R. No. 484 of 2021 registered with

the Sinhagad Police Station, Pune for the offence punishable under Section 354 of the Indian Penal Code, Sections 7 & 8 of the Protection of Children from Sexual Offences Act (for short 'POCSO'). Later on, the police have added Section 376 of the Indian Penal Code and Section 4 of the POCSO Act.

3. At the instance of report lodged by mother of minor victim, crime was registered. The informant stated that the Applicant, a young college going boy was residing in the same society. On the date of occurrence, in the afternoon, mother noticed that her child was in frightened condition. On enquiry, the child disclosed that the applicant came to her house in the afternoon and shown his private part and therefore, she ran away. After two days, police recorded supplementary statement of the informant in which she added further story about sexual assault.

4. The applicant's learned counsel besides usual grounds submitted that the applicant is a young college going boy, who has been falsely implicated at the instance of some dispute. He has strenuously argued that later part

regarding sexual assault has been added with a view to harass the applicant. It is submitted that investigation is practically complete and there are no chances of tampering.

5. Advocate, Ms Charu Singh appeared for the intervenor (informant) submitted that the informant as well as her husband has no objection to grant bail. In this regard, she has filed two separate Affidavits of the parents of the minor victim giving their no objection for grant of bail.

6. It appears that parents have no grudge against the applicant and they have come forward by offering their no objection. No doubt, having regard to the nature of accusation, even if, no objection is given by the victim's family, it has no impact in the eyes of law. However, besides other considerations, this can also be looked while deciding the Bail Application. Notably while lodging FIR, the allegations were restricted only to the extent of sexual harassment.

7. The applicant is a young boy, aged 19 years and

studying in the B.Com stream at Principal Dr. Sudhakar Rao Jadhavar's Arts, Commerce and Science College, Dhayari, Pune. Bonafide Certificate to that effect is pressed into service. There are no antecedents against the applicant. A young boy has succumbed to his senses and had allegedly molested a neighbouring girl. It is informed that the victim and her family has been shifted elsewhere at Katraj and therefore, there are no chances of tampering. The learned Advocate for intervenor also conceded that victim's family has been shifted elsewhere.

8. The investigating officer is present in Court who has submitted that he has nothing to say. Already investigation is complete and charge-sheet has been filed. Certainly trial will take its own time for disposal in accordance with law. One can foresee the fate of trial, since the parents have filed Affidavits supporting the applicant's claim for bail. Applicant is young college going boy in his tin age. Prolonged pre-trial detention of applicant may have adverse impact on his tender mind. One of the purpose of detention is to element the threat of tampering and secure

the presence of accused for trial. Since the victim is staying elsewhere, there is no possibility of tampering. The applicant - a young boy is permanent resident and college going student. Therefore, there is no possibility of abscondence. Having regard to above peculiar facts, applicant can be released on bail by putting him on certain terms. In view of that, following order.

ORDER

- (i) The Application stands allowed;
- (ii) The Applicant namely - Pramod Rameshwar Gadekar in C. R. No. 484 of 2021 registered at Sinhagad Police Station, Pune for the offence punishable under Section 354, 374 of the Indian Penal Code, Sections 4, 7 & 8 of the Protection of Children from Sexual Offences Act, be released on bail on his furnishing P. R. Bond of Rs. 25,000/- with one or two sureties in the like amount;
- (iii) The Applicant shall report to the investigating officer of the concerned Police Station on every alternate Sunday in between 10.00 a. m. to 12.00 noon till the conclusion of trial;
- (iv) The Applicant shall not enter within territorial

jurisdiction of Katraj police station till the conclusion of trial;

(v) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence;

(vi) The Applicant shall provide his cell number as well as residential address to the investigating officer;

(vii) Breach of either of conditions would give rise to the prosecution to seek for cancellation of the applicant's bail.

9. The Application stands disposed of.

(VINAY JOSHI, J.)