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

BAIL APPLICATION NO.2181/2021

VILAS @ MATYA VISHNU KHEDEKAR

@DHOTRE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Anil Jaising Jadhav for the applicant.

Ms. Hemlata M. Whaval for the complainant.

Ms. P. N. Dabholkar, APP for State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 5, 2022.

P.C. :

1. Heard learned counsel for the applicant, learned APP and learned counsel for the complainant.

2. This is an application for bail in respect of the C.R.No. 569/2018 registered with Andheri Police Station for the offence punishable under Sections 363, 376 of the Indian Penal Code, 1860 (hereafter 'the IPC' for short) and 4, 8 of the Protection of Children from Sexual Offences Act, 2012 (hereafter 'the POCSO Act' for short).

3. The applicant was arrested on November 27, 2018. The applicant is in custody for more than four years. The

present application for bail was filed on June 15, 2021. During the pendency of this application, the trial has commenced. The victim at the relevant time was 14 years and 3 months old.

4. Learned APP points out that the complainant and the victim have already been examined. The Investigating Officer and the Medical Officer remain to be examined. It is, therefore, the submission of learned APP and learned counsel appearing on behalf of the complainant that the application should be rejected.

5. Learned counsel for the applicant invited my attention to the order dated May 7, 2021 in Criminal Bail Application No.463/2021 passed by this Court whereby bail was granted to the main accused. In this view of the matter, on the ground of parity, even this application deserves to be allowed. For the same reasons contained in the order dated May 7, 2021 even the applicant deserves to be released on bail. Merely because, the trial has commenced, in my opinion, is no ground to deprive the applicant of his liberty when the main accused has already been released on bail

and considering the distance time from which the present bail application was filed in this Court.

6. Learned counsel for the complainant, on instructions of the complainant, who is present in the Court, submitted that the accused tried to threaten the complainant. She, however, submits that no report has been lodged with the Investigating Officer or the same was not informed to the trial Court when their evidence was recorded.

7. It is then submitted by learned counsel for the complainant that the compensation which is payable to the victim has not been received so far.

8. Learned APP submits that immediate steps would be taken to process the application and the steps are being taken. The Investigating Officer to ensure that necessary steps be taken for payment for the victim's compensation.

9. The Special Court is requested to ensure that the victim gets compensation which she is entitled under the provisions of the the POCSO Act and the Rules framed thereunder.

10. The Investigating Officer further submits that he will

look into the aspect of threats being issued to the complainant by the accused and will take necessary actions. Hence the following order.

: ORDER :

- (a) Application is allowed.
- (b) Applicant - Vilas @ Matya Vishnu Khedekar @ Dhotre shall be released on bail in connection with C.R.No.569/2018 registered with the Andheri Police Station, on furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant shall report to the concerned police station, twice a month i.e. second and fourth Monday, between 11.00 a.m. and 1.00 p.m. and thereafter, as and when called.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (e) On being released on bail, the applicant shall furnish his contact number and residential address to

the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant shall remove himself from Mumbai Suburban District and furnish his details of residence. He shall not enter Mumbai Suburban District except on the dates fixed by the trial Court and for reporting to the Investigating Officer.

11. The application is disposed of.

(M. S. KARNIK, J.)