

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 6069 OF 2021**

Mangesh Ishwardas Tambe

... Petitioner

V/s.

The State of Maharashtra

... Respondent

Mr. Tushar Kochale, Appointed Advocate for Petitioner.

Mr. Ajay Patil, A.P.P. for Respondent-State.

PSI Mr.S.N. Yadav, Uttan Sagari Police Station.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 9th December 2022.****PC. :**

1. Present Petition is received through jail.
2. Heard learned Advocate appointed to represent Petitioner and learned A.P.P. for Respondent-State.
3. By the present Petition received through jail, the Petitioner has prayed that either his case may be expedited or he may be released on bail.

As per the record, Petitioner is an accused in CR No. 35 of 2018 registered with Uttan Sagari Police Station, Bhayandar (West), District Thane under Sections 354, 354(D) of Indian Penal Code read with Section 37A of Information Technology Act, 2000 read with Section 12 of The Protection of

Children from Sexual Offences Act, 2012 (for short, "POCSO Act").

The Petitioner is in jail since the date of his arrest i.e. 22nd March 2018 and has undergone approximately four years and eight months of incarceration as an under trial prisoner.

4. Learned Advocate for Petitioner submitted that, the maximum sentence prescribed under the aforesaid sections is upto five years of imprisonment. That the Petitioner is a first time offender and there are no antecedents at his discredit.

Learned A.P.P. on instructions concedes to the said fact.

In view thereof, Petitioner can be released on bail during the pendency of trial.

5. Hence, the following Order :-

- (i) Petitioner be released on bail on his furnishing PR. bond of Rs.20,000/- with one or two local sureties in the like amount.
- (ii) After the Petitioner is released from jail, he is directed to attend Uttan Sagari Police Station, Bhayandar (West), District Thane on every alternate Monday between 10:00 am and 12:00 noon till conclusion of his trial.
- (iii) Petitioner is directed to attend all the dates before the Trial Court unless precluded on medical grounds.

6. Petition is allowed in the aforesaid terms.

7. The Superintendent of Prisons, Thane Central Prison is directed to communicate this Order to the Petitioner, who is lodged there.

8. Before parting with the Order, we would like to place on record our appreciation for the efforts put in by Mr. Tushar Kochale, learned Advocate appointed by the High Court Legal Services Committee, Mumbai for espousing the cause of Appellant; he was thoroughly prepared in the matter and rendered proper and able assistance to the Court.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]

OMKAR
SHIVAHAR
KUMBHAKARN
Digitally signed
by OMKAR
SHIVAHAR
KUMBHAKARN
Date:
2022.12.13
15:44:28 +0530