

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2594 OF 2022

Prakash B. Thanekar

...Applicant

V/s.

The State of Maharashtra
and anr.

...Respondents.

Mr. Anand S. Patil for the Applicant.

Ms P.P. Shinde, APP for the Respondent/ State.

Mr. Vishal Kanade for the Respondent No.2.

CORAM : N.R. BORKAR, J.
DATE : 15.11.2022.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure (Cr.P.C.) for bail.
2. The applicant came to be arrested in C.R. No. 64 of 2022 registered at Gokul-Shirgaon Police Station, Kolhapur for the offences punishable under Sections 354-A and 506 of the Indian Penal Code (IPC) and Section 12 of the Protection of Children from Sexual Offences Act, 2012 (POSCO Act).
3. It is the case of the prosecution that the present applicant is vegetable vendor. On 12 April 2022, when the victim girl came to his shop, he showed private part to her and thereby outraged her modesty.

4. I have heard the learned counsel for the applicant, the learned APP for the respondent – State and the learned counsel for respondent No.2/complainant.

5. The learned counsel for the applicant submits that the applicant is in jail for more than 7 months. It is submitted that further detention of the applicant is not warranted as the investigation is over and the charge-sheet is filed. It is submitted that there are no criminal antecedents. It is thus submitted that the applicant may be released on bail.

6. On the other hand, the learned APP for the respondent/ State and the learned counsel for respondent No.2/complainant submit that the applicant and the victim are residents of same village. It is submitted that the present applicant gave threat to the victim that he would do the same act with her sister. It is submitted that considering the nature of the offence, the applicant may not be released on bail.

7. The maximum punishment for the offences invoked against the applicant is three years. The applicant is in jail for more than seven months. The investigation is over. I am, therefore, inclined to release the applicant on bail on certain conditions. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail in C.R. No. 64 of 2022 registered at Gokul-Shirgaon Police Station, Kolhapur for the offences punishable under Sections 354-A and 506 of the IPC and Section 12 of the POSCO Act on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall not stay at village Ujlaiwadi, Tal-Karveer, Dist. Kolhapur till conclusion of the trial and shall seek permission of the trial Court, if he required to enter in the said village.

[N.R.BORKAR, J.]