

Urmila Ingale

URMILA
PRAMOD
INGALE

Digitally signed
by URMILA
PRAMOD
INGALE
Date:
2022.12.17
13:28:43
+0530

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

BAIL APPLICATION NO. 2917 OF 2022

Vikas Omprakash Tiwari ..Applicant
vs.
1. State of Maharashtra
2. Mrs. A B C ..Respondents

Mr. Anil Jaising Jadhav, for applicant.
Ms.A.A. Takalkar, APP for respondent-State.
PSI- Mr. Sonawane, Pantnagar Police Station present.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 16, 2022

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for bail in respect of C.R.No. 735 of 2022 registered with Pantnagar Police Station for the offence punishable under sections 354(d) of the Indian Penal Code, 1860 and section 12 of the Protection of Children from Sexual Offences Act, 2012.
- 3.** The applicant was arrested on 12/10/2022 and is in

custody for more than 2 months. The charge-sheet has now been filed on 09/12/2022. The investigation is complete. The victim is 10 years of age. The allegation of the victim's mother in the FIR filed on 12/10/2022 is that, one month prior to the incident in question, the complainant had a fight with the applicant over some issue regarding the drinking habit of the applicant. On 10/10/2022 at around 8.30 p.m., a letter was handed over to the daughter of the complainant who is 10 years of age expressing his love for the victim. The applicant came to be arrested.

4. A request is made by the victim for legal aid. I have requested Mr. Deshmukh to represent the victim. He has opposed the application and submits that as the allegations are very serious, no indulgence be shown to the applicant.

5. Considering the nature of the offence and that the applicant is in custody for more than 2 months and now that the investigation is complete and the charge-sheet has been filed, I do not see any reason to prolong the custody of the applicant as the trial Court will take a long time. The applicant is not having any criminal antecedents. In the

context of the fight which victim's mother had, it is one of the contention of the learned counsel for the applicant that he was assaulted on 05/08/2022 with a sharp object at the behest of the complainant. A medical certificate was placed for my consideration. Prior to the lodging of the present FIR, there have been disputes between the applicant and the complainant. Hence, the following order.

ORDER

(a) The applicant – Vikas Omprakash Tiwari in connection with C.R. No. 735 of 2022 registered with Pantnagar Police Station shall be released on bail on furnishing P.R. bond in the sum of Rs.10,000/- with one or two sureties in the like amount.

(b) The applicant not to enter the area where the complainant and the victim reside. Learned counsel for the applicant submits that the applicant will reside in Mulund East, Navghar.

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court

or any Police Officer. The applicant should not tamper with evidence.

(d) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer of the concerned Police Station and shall keep him updated, if there is any change

(e) The applicant shall report to the Investigating Officer as and when called.

(f) If any attempt is made by the applicant to contact or threaten the complainant or the victim or the applicant is seen in the area where the complainant and the victim reside, the same will be viewed very seriously.

5. The application is disposed of.

(M. S. KARNIK, J.)