

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

BAIL APPLICATION NO.12 OF 2022

Sakharam Merku Javir @ Mhatarya ..Applicant
VS.
The State of Maharashtra and anr. ..Respondents

Mr. Anil S. Shitole i/b Mr. S.S.Chaudhari, for the Applicant.
Mr. Manoj S. Singh, for respondent no.2 (appointed through
legal aid)
Mr. S. H. Yadav, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 31, 2023

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. 298 of 2021 dated 23/05/2021 registered with Mangalwedha Police Station for the offence punishable under sections 363, 354, 354A, 354B of the Indian Penal Code, 1860 and sections 8, 12, 42 of the Protection of Children from Sexual Offences Act, 2012.

3. The incident is dated 22/05/20021. The FIR is lodged on 23/05/2021. The applicant was arrested on 25/05/2021. The applicant is in custody for almost 1 year and 8 months. The charge-sheet has been filed. The investigation is complete.

4. The victim at the relevant time was 12 years of age. The FIR is filed as the victim alleged that the applicant committed offence which is punishable under the aforesaid sections. The accusations are no doubt serious. However, considering that the applicant is in custody for almost 1 year and 8 months with possibility of the trial concluding any time soon appears to be remote, also having regard to the maximum and minimum punishment prescribed for the offence punishable under the aforesaid sections, the applicant can be enlarged on bail. The applicant will face the consequences of the trial if ultimately convicted.

5. Learned counsel for the applicant submits voluntarily on instructions that the applicant shall not reside in the area of Magalwedha, District-Solapur. There are no criminal antecedents reported against the applicant. Hence, the

following order.

ORDER

(a) The application is allowed.

(b) The applicant – Sakharam Merku Javir @ Mhatarya in connection with C.R.No. 298 of 2021 dated 23/05/2021 registered with Mangalwedha Police Station shall be released on bail on furnishing P.R. bond in the sum of Rs.15,000/- with one or more sureties in the like amount.

(c) The applicant not to enter the area of Mangalwedha, District-Solapur till the trial is over except for the purpose of reporting to the investigating officer.

(d) 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.

(e) 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.

(f) The applicant shall report to the investigating officer once in a month on every Monday of the first week between 11.00 a.m. and 1.00 p.m.

(g) The trial Court to record the evidence of the child witness within one month from the date this order is placed before it.

6. The application is disposed of.

(M. S. KARNIK, J.)