

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

BAIL APPLICATION NO. 30 OF 2022

Gaur Robin Man ..Applicant
VS.
The State of Maharashtra and anr. ..Respondents

Mr. Aniket Nikam i/b Mr. Amit Icham, for the Applicant.
Mr. S.P. Chaudhary, for Respondent No.2.
Mr. S. V. Gavand, APP for the State.
PSI- Ahire, MIDC Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 24, 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. 248 of 2016 dated 12/05/2016 registered with MIDC Police Station, Mumbai for the offence punishable under section 376(2)(i) of the Indian Penal Code, 1860 ("IPC", for short) and under section 4 of the Protection of Children from Sexual Offences Act, 2012 (hereafter "POCSO Act", for

short)

3. The incident happened on 12/05/2016. The accusations against the applicant are serious in nature. The victim at the relevant time was 4 years of age. The applicant was arrested on 12/05/2016. I am informed that though the charge has been framed but as many as 18 witnesses are yet to be examined. The trial is likely to take considerable time. The applicant is now in custody for 6 years and 8 months. The mother of the victim in the complaint dated 12/05/2016 had narrated the incident as told to her by the victim. The victim in her statement recorded on the next day has narrated about the more serious offence under section 376(2)(i) of IPC alleged to have been committed by the applicant. The comparison of the statement of the victim's mother or that of the victim does not in any manner dilute the seriousness of the offence. However, the applicant has undergone as a under-trial prisoner a sentence of more than half of the minimum sentence prescribed for the alleged offence. Considering the long incarceration, I am inclined to release the applicant

on bail subject to some stringent conditions. The applicant undoubtedly will face the consequences of the accusations if he is ultimately convicted on the basis of the evidence before the trial Court. Hence, the following order.

ORDER

(a) The application is allowed.

(b) The applicant – Gaur Robin Man in connection with C.R.No. 248 of 2016 dated 12/05/2016 registered with MIDC Police Station, Mumbai shall be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant shall not leave the jurisdiction of the Mumbai or Mumbai suburban without leave of the Court.

(d) The applicant not to enter the area of Andheri East, Andheri West, MIDC Police Station and Mahalkali Police Station till the trial is over.

(e) The applicant shall report to the nearest police station where he will be residing after his release on bail on every alternate Saturday between 11.00 a.m. to 1.00 p.m. commencing from February 2023. Details be furnished to the trial Court and the Investigating Officer.

(e) 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.

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

4. The application is disposed of.

(M. S. KARNIK, J.)