



Diksha Rane

43. BA 24-23.doc

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

BAIL APPLICATION NO.24/2023

SAGAR RAVINDRA PATIL

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Sudhir Patole a/w. Adv. Sandipta Jadhav for the
applicant.

Ms. Rutuja Ambekar, APP for the State.

Adv. Omkar Nagwekar for the respondent no.2.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 30, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for bail in respect of the offence
punishable under Sections 376AB of the Indian Penal Code
(hereafter 'IPC' for short) read with Sections 4, 6, 8 of the
Protection of Children from Sexual Offences Act, 2012
(hereafter 'the POCSO Act' for short) registered on
27/5/2022 vide C.R. No.254/2022 with Rabale Police Station,
Navi Mumbai.

3. The complaint was lodged on 27/5/2022 in respect of

the alleged incident which happened on 26/5/2022. The victim was 12 years old. The applicant is 22 years of age. The applicant was neighbour of the victim. It is accusation that the victim had teased the applicant. The applicant then teased the victim which the victim did not like. The victim, therefore, went to the house of the applicant to fight with him. It is the allegation that the applicant closed the door and committed the act which is an offence punishable under the aforesaid sections.

4. I have gone through the medical reports on record. The medical report, *prima facie*, is not supporting the prosecution.

5. The applicant is in custody since 26/5/2022. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. The trial is not likely to conclude any time soon.

6. Looking at the age of the applicant and in the facts and circumstances of the present case, considering the period the applicant is in custody, any further incarceration will only be by way of a pre-trial punishment. The applicant

will undoubtedly face the consequences post trial if the charges against him are proved. A case for grant of bail is made out on imposing stringent conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Sagar Ravindra Patil in connection with C.R. No.254/2022 registered with Rabale Police Station, Navi Mumbai. shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Rabale police station, Navi Mumbai, once in three months on first Saturday of the concerned month between 11:00 a.m. to 01:00 p.m., commencing December, 2023, till the trial concludes.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the Navi Mumbai area after being released on bail, till the trial concludes.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(i) The applicant shall surrender his passport, if any, to the investigating officer.

(j) It is made clear that any attempt on the part of the applicant to intimidate, threaten or approach the prosecutrix will be viewed seriously which may result in cancellation of this bail.

7. The application is disposed of.

8. I express my gratitude for the able assistance rendered by the advocate- Mr. Omkar Nagwekar representing the respondent no.2. The Legal Services Authority may pay the fees to advocate Mr. Omkar

Diksha Rane

43. BA 24-23.doc

Nagwekar as prescribed or if not prescribed, pay a sum of
Rs.5000/-.

(M. S. KARNIK, J.)