

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

BAIL APPLICATION NO. 136 OF 2022

Ramakant Ghanshyam Waghmare

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Hitendra Parab for the Applicant.

Mr. Keral Mehta for the Respondent No.2.

Mr. S.V.Gavaand, APP for the State.

PSI Sunil Sonawane from Charkop Police Station.

CORAM : ANUJA PRABHUDESSAI, J.

DATED : 9th JUNE, 2023.

P.C.

1. This is an application under Section 439 Cr.P.C. filed by the aforesaid Applicant, who is facing trial in Crime No. 695 of 2021 registered with Charkop Police Station, Mumbai, for offences under Section 354 IPC r/w. Section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard learned Counsel for the Applicant, learned Counsel for the Intervenor and learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by the mother of the victim. A perusal of the FIR as well as the statement of the victim prima facie reveals that on 6.10.2021 when the informant and the victim had gone to the market for having pani puri. The applicant, who appeared to be under the influence of alcohol touched the back and buttocks of the victim and said 'Hi Darling'. The Applicant was arrested on 7.10.2021 and is in custody till date i.e. since about 20 months. The maximum punishment for the offence is of 5 years. It is stated that the charge is not yet framed. Considering the huge pendency, the trial is not likely to commence soon.

4. Considering the above facts, and particularly the nature of the accusation, in my considered view this would be a fit case to enlarge the applicant on bail. Hence, the order:-

- (i) The application is allowed;
- (ii) The Applicant who is facing trial in Crime No. 695 of 2021 registered with Charkop Police Station, Mumbai, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the

like amount;

(iii) The Applicant shall report to the Investigating Officer on the first Monday of every two months till filing of charge.

(iv) The Applicant shall not enter the jurisdiction of Charkop/Kandivali police station except on the first Monday of every two months for attending the Investigating Officer.

(v) The Applicant shall keep the Investigating Officer informed of his permanent as well as temporary address, if any, and his contact details, and/or change of residence or mobile details from time to time.

(vi) The Applicant shall not interfere with the complainant or the other witnesses, in any manner;

(ANUJA PRABHUDESSAI, J.)