



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

BAIL APPLICATION NO. 91 OF 2023

VAIBHAV SURESH MANE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Mr. Priyal Sarda, for the Applicant.
Mr. Chittesh Dalmia h/f Mr. Shailesh Kharat, for Respondent No.2.
Mr. P. H. Gaikwad, APP for the State.
API- Mr. Atul Shete, Pimpri Police Station present.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 5, 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 354, 452, 506(2) of the Indian Penal Code, sections 4 & 25 of the Arms Act, section 8 of the Protection of Children from Sexual Offences Act, 2012 (hereafter "POCSO Act", for short) and under section 7 of the Criminal Law (Amendment) Act, registered vide C.R. No. 0161 of 2022 with Pimpri Police Station. The FIR is dated 18/03/2022. The applicant is arrested on

18/03/2022.

3. The incident is dated 18/03/2022. There are 2 victims. The mother and the daughter have made accusations against the applicant constituting the offence under the aforesaid sections. Considering the nature of the accusations, I am not inclined to entertain the present application at this juncture since the statement of the victim is yet to be recorded under section 35 of POCSO Act.

4. Learned counsel for the applicant therefore prayed that the applicant may be permitted to withdraw the application with liberty to apply after some time considering that offence under section 8 of the POCSO Act is punishable with maximum imprisonment of 5 years. It must be noted that the minimum prescribed punishment is 3 years' imprisonment. There are criminal antecedents reported against the applicant. Since the applicant is in custody since 18/03/2022, the trial Court is requested to record the statement of the child witness as per section 35 of the POCSO Act expeditiously and also requested to record the deposition of the mother of the child witness expeditiously.

5. The applicant is at the liberty to apply afresh for bail after the evidence of the aforesaid witnesses is recorded by the trial Court or

after 6 months whichever is earlier.

- 6.** With these observations, the bail application is disposed of.
- 7.** This order be placed before the trial Court.

(M. S. KARNIK, J.)