



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

BAIL APPLICATION NO. 215 OF 2023

GYANCHAND LALCHAND CHAUHAN .. APPLICANT
VS
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Mr. Shailendra Singh a/w Ms. Prachish Shukla, for the Applicant.
Ms. Rutuja Ambekar, APP for the State.
Mr. Hrishikesh R. Chavan, for Respondent No.2.

**CORAM : M. S. KARNIK, J.
DATE : SEPTEMBER 12, 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 376(d), 376(2)(i), 363, 328, 506(2) of the Indian Penal Code, 1860 ('IPC', for short), under sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 registered vide C.R. No.05 of 2016 with Kurar Police Station, Mumbai. The FIR is dated 05/01/2016. The applicant is arrested on 22/04/2016.

3. The applicant is the accused no.2. The victim at the relevant time was 15 years of age. She was in a relationship with one boy

named 'Yogesh' who was 21 years of age. In the statement of the victim recorded on 14/01/2016, she stated that the victim ran away with Yogesh as they wanted to get married. Yogesh is one of the accused. The victim narrated that the victim and Yogesh had consensual physical relationship. After a few days, she came back home whereafter the FIR was registered. Almost two and half months after the FIR, the supplementary statement of the victim was recorded. In the supplementary statement, the victim implicated the present applicant. It is stated that when the victim ran away with Yogesh in January 2016, Yogesh insisted her to keep physical relations with the present applicant as well.

4. Learned APP as well as learned counsel Mr. Chavan representing the respondent no.2 opposed the application by submitting that accusations are serious.

5. The applicant was arrested as far back as on 22/04/2016 and now in custody for more than 7 years and 4 months. Even charges have not been framed. I have gone through the statement of the victim. There is delay in recording the supplementary statement. No doubt, all these are the aspects which will be considered at the time of the trial. Learned APP further submitted that there are several

antecedents reported against the applicant. One of the antecedents is under sections 3 and 25 of Arms Act. Another antecedent is under section 326 of IPC. One more antecedent is under sections 392, 427, 504, 506 of IPC. The applicant is in custody for more than 7 years and 4 months. There is no possibility of trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Gyanchand Lalchand Chauhan in connection with C.R. No. 05/2016 registered with Kurar Police Station, 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 shall attend the investigating officer of the concerned police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) 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.

(e) 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) The applicant shall not establish any contact with the victim.

(h) Learned counsel for the applicant submitted on instructions that the applicant shall not enter the jurisdiction of the Police Station where the victim is residing. Statement is accepted.

(i) Any attempt to contact, intimidate or threaten the victim or the witnesses will be viewed seriously which may invite the consequence of cancellation of bail.

6. The application is disposed of.

7. I express my gratitude for the able assistance rendered by the Advocate Shri Hrishikesh R. Chavan, representing respondent No.2 in these proceedings.

(M. S. KARNIK, J.)