

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

BAIL APPLICATION NO.404/2022

PURSHOTOM R MOGAM GANPAT ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Raviraj R. Paramane for the applicant.
Mr. S. V. Gavand, APP for State.
Adv. Vrushali L. Maindad for the respondent no.2.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 13, 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 First Information Report (FIR) No.I-186/2021 registered with the Bhayander Police Station, under Sections 307, 354, 354-B, 506(2) of the Indian Penal Code, 1860 (hereafter "the IPC", for short) read with Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (hereafter 'POCSO Act' for short).
- 3.** The FIR was filed on April 23, 2021 with the Bhayander Police Station. The victim on the date of the incident was 13

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years of age and the applicant was 27 years of age. It is alleged that the applicant committed the act with the victim which is an offence punishable under the aforesaid sections. There is no allegation of penetrative sexual assault. The allegations are serious in nature. The statement of the witness at page 53 of the paper-book reveals that on hearing the shouts of the victim, the witness came to the timely aid of the victim. The statement of the victim is supported by the witness.

4. So far as the the allegation under Section 307 of the IPC is concerned, the medical evidence on record indicates that there are some abrasions on the neck of the victim.

5. The applicant is in custody for more than one year and ten months with no possibility of the trial concluding any time soon. The maximum punishment prescribed for the offence under the IPC and the POCSO Act except Section 307 of the IPC is minimum three years and maximum five years imprisonment. The investigation is complete. The charge-sheet has been filed.

6. Learned counsel for the applicant makes a statement that the applicant will reside outside the area of Bhayander

and Navghar. Statement is accepted.

7. Considering the period the applicant has spent in custody as an under-trial prisoner and the fact that the trial is not likely to conclude any time soon, I am inclined to grant bail to the applicant. There are no criminal antecedents reported against the applicant. It is necessary to impose stringent conditions on the applicant. Hence the following order.

ORDER

- (a) The application is allowed.
- (b) The applicant in connection with FIR No.I-186/2021 registered with the Bhayender Police Station, 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 report to the Investigating Officer of the concerned police station once in a month on every Saturday, 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.

(f) The applicant shall not threaten or influence the victim or establish any contact with her.

(g) The applicant shall reside outside the area of Bhayender and Navghar till the trial is over except for reporting to the investigating officer.

8. The application is disposed of.

9. I express my gratitude for the able assistance rendered by learned counsel Ms. Vrushali Maindad who appeared on behalf of the complainant and argued in support of her case.

(M. S. KARNIK, J.)