



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

BAIL APPLICATION NO.261 OF 2023

USMAN GULAM KHAN

..APPLICANT

VS.

THE SENIOR POLICE INSPECTOR
& ORS.

..RESPONDENTS

Adv. Muskan Shaikh i/b. Adv. Mateen Shaikh for the
applicant.

Mr. P. H. Gaikwad, APP for the State.

Adv. Anushree Koparkar for the respondent no.3.

API Kalyan Ghadge, Bhosari Police Station, Pimpri
Chinchvad.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 8, 2023.

P.C. :

1. Heard learned counsel for the applicant, learned APP
and learned counsel for the respondent no.3.

2. This is an application for bail in respect of the offence
punishable under Sections 354 of the Indian Penal Code
(hereafter 'IPC' for short) read with Section 8 of the
Protection of Children from Sexual Offences Act, 2012
(hereafter "POCSO Act", for short) registered on 7/5/2022
vide C.R. No.339/2022 with Bhosari Police Station, Pimpri
Chinchvad.

3. The date of the incident is 7/5/2022. The applicant is a 21 years old boy who was a neighbour of the victim. The victim at the relevant time is stated to be 15 years of age. It is the allegation that when the victim's mother had gone out, the applicant on the pretext of asking for a copy of some agreement came inside the house and hugged the victim. At that time, the victim's mother came whereupon the applicant ran towards the kitchen.

4. Learned counsel for the applicant states that the applicant now is not residing in that area and is even willing to stay out of Pune City during the pendency of the trial.

5. Learned APP as well as learned counsel for the respondent no.3 opposed the application. It is submitted that the offence alleged is serious and that the applicant should not be enlarged on bail.

6. The applicant is in custody since 7/5/2022 for almost 16 months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. In my opinion, the applicant does not appear to be a flight risk. In the facts and circumstances of

the present case, the applicant can be enlarged on bail.

Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Usman Gulam Khan in connection with C.R. No.339/2022 with Bhosari Police Station, Pimpri Chinchvad, shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 15,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Bhosari police station once in three months every first Monday of the month between 11.00 a.m. and 1.00 p.m. commencing October, 2023.
- (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 Pune City after being released on bail, till the trial concludes or till further orders of the trial Court.

(h) The applicant shall attend the trial regularly.

7. The application is disposed of.

8. I express my gratitude for the able assistance rendered by the advocate- Ms. Anushree Koparkar representing the respondent no.3. The Legal Services Authority may pay the fees of advocate Ms. Anushree Koparkar as prescribed or if not prescribed, pay a sum of Rs.5000/- as fees.

(M. S. KARNIK, J.)