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

BAIL APPLICATION NO.257 OF 2023

SHIVAM @ SHIVRAM VINOD SHELKE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Asit Chaware a/w Adv. Tanveer Patel for the applicant.
Mr. M. G. Patil, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 25, 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 Section 307 of the Indian Penal Code (hereafter 'IPC' for short) registered vide FIR No.45 of 2022 with Talegaon Dabhade Police Station.
- 3.** The FIR was lodged on 28.01.2022. The applicant was arrested on 28.01.2022 and now in custody for eighteen months. The trial is yet to commence and likely to take long time to conclude. It is the case of the complainant who is

17 years of age that previously she lodged a report against the present applicant for offences punishable under Section 354, 354D, 506(2) of the IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012 (hereafter 'POCSO Act' for short) on 29.12.2021. It is alleged that the applicant was following the complainant and pressuring her to talk with him. When this attempt on the part of the applicant was resisted by the complainant, the applicant on 27.01.2022 assaulted her and gave blows of hammer on her head. It is in her statement that repeated blows of hammer on her head were given by him.

4. I have perused the injury certificate as learned APP opposed the application for bail. The injury certificate reveals that the victim has suffered a simple injury in scalp with hard and blunt object and grievous injury on her right hand.

5. Taking an overall view of the matter, since the applicant is in custody for a period of 18 months as an under-trial prisoner, the applicant can be enlarged on bail. However, considering the nature of the accusations, in my

opinion, the apprehension of learned APP is well founded that the victim may be threatened by the presence of the applicant. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. I propose to imposed some stringent conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Shivam @ Shivram Vinod Shelke in connection with FIR No.45 of 2022 registered with Talegaon Dabhade 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 attend the Investigating Officer of the Talegaon Dabhade 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 enter Maval Taluka, District Pune till the conclusion of the trial except for the purpose of reporting to the Investigating Officer.
- (e) Any attempt on the part of the applicant to contact the victim will be viewed seriously which may result in cancellation of bail.

(f) 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.

(g) 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.

7. The application is disposed of.

(M. S. KARNIK, J.)