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

BAIL APPLICATION NO.319/2023

ASHOK JEEVANLAL GUPTA

..APPLICANT

VS.

THE STATE OF MAHARASHTRA & ANR.

..RESPONDENTS

Adv. Anil J. Jadhav for the applicant.

Mr. S. V. Gavand, APP for State.

Adv. Megha Bajoria for the orig. complainant.

API Rohit Jadhav, MIDC Police Station.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 13, 2023.

P.C. :

1. The notice was issued to the complainant/victim. The complainant/victim and her mother are present before the Court today. They seek assistance through legal aid. In view of the stand taken by the complainant/victim, I requested Ms. Megha Bajoria to appear and interact with the complainant/victim. The identity of the complainant/victim is confirmed by the investigating officer who is personally present in the Court.

2. My attention is also invited to the affidavit filed by the complainant/victim's mother before the Sessions Court.

3. Heard learned counsel for the applicant and learned

APP for the State.

4. This is an application for bail in respect of First Information Report (FIR) No.1078/2022 registered with the MIDC Police Station, under Sections 376, 376(2)(f), 506, 354, 354-A, 323, 504, 506(2) of the Indian Penal Code, 1860 (hereafter “the IPC”, for short) read with Sections 4, 6 & 8 of the Protection of Children from Sexual Offences Act, 2012 (hereafter “POCSO Act”, for short).

5. The applicant was arrested on September 25, 2022. The applicant is the father of the victim. The allegation against the applicant is that the applicant has committed an offence which is punishable under aforesaid Sections.

6. The complainant/victim, through learned counsel representing her as well as the mother of the victim, submitted that it was on account of some misunderstanding the FIR was registered against the applicant. The complainant/victim has no objection if the applicant is released on bail.

7. I had called upon learned counsel for the complainant/victim to find out as to whether the stand is taken due to any pressure on the complainant/victim and her mother or

the same is voluntary. It is insisted by the complainant/victim and her mother that the incident is an outcome of some misunderstanding as the applicant was an alcoholic and because of his harassment on some improper guidance that the FIR came to be lodged. They insisted that the applicant be released on bail.

8. There are no criminal antecedents reported against the applicant. The investigation is complete. The charge-sheet has been filed. The trial will take a long time to conclude. Learned counsel for the applicant submits that the applicant will ensure proper care of the family and undertakes to look their well-being. I do not find any purpose in continuing the custody of the applicant. Taking an overall view of the matter, in my opinion, the applicant can be released on bail. Hence the following order.

ORDER

(a) The application is allowed.

(b) The applicant in connection with FIR No.1078/2022 registered with the MIDC Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.10,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish provisional cash bail in the sum of Rs.10,000/-, for a period of eight weeks, in lieu of surety.

(d) 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.

9. The application is disposed of.

10. I express my gratitude for the able assistance rendered by the advocate Ms. Megha Bajoria representing the complainant/victim.

(M. S. KARNIK, J.)