



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

BAIL APPLICATION NO. 339 OF 2023

VINOD SHAHIR SASANE .. APPLICANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Ms. S.P. Parulekar, for the Applicant.
Ms. Saili Dhuru, for Respondent No.2.
Mr. N.B.Patil, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 31, 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 363, 376(3) of the Indian Penal Code (hereafter 'IPC' for short) and under sections 4, 8 and 12 of Protection of Children from Sexual Offences Act, 2012 ('POCSO', for short) registered vide C.R. No.903 of 2020 with Wanwadi Police Station, Pune. The applicant is arrested on 28/11/2020.
3. The date of the incident is 25/11/2020. The FIR is lodged on

26/11/2020. Learned counsel for the applicant submitted that the applicant is related to the victim. The victim at the relevant time was 15 years and 6 months of age and was neighbour of the applicant. The applicant is married. It is the case that after the victim's father asked the applicant to vacate the room, he left with his family for his hometown. The applicant called the victim to his hometown. The victim stayed with the applicant for 2 days. In section 161 Cr.P.C. statement, she stated that the applicant had forcible physical relations with her. The medical report, however, prima facie, does not support the version of the victim and even the victim's version as stated in the medical history is somewhat different from what is mentioned in section 161 statement as regards the forcible physical relations.

4. The applicant is in custody for more than 2 years and 8 months with no possibility of trial commencing or concluding any time soon. Learned counsel for the respondent no.2 submitted that the victim is now married and does not intend to pursue the case against the applicant. The victim's mother is present in the Court. It is on the victim's instructions learned counsel for respondent no.2 so submitted. In any case, it is submitted that the respondent no.2 and the victim have no objection for the applicant to be released on bail

since the applicant and the victim are related to each other. It was on account of some misunderstanding the incident had occurred.

5. In the facts and circumstances of the present case also considering that the applicant is in custody for more than 2 years with no possibility of trial concluding any time soon, I am inclined to enlarge the applicant on bail. No criminal antecedents are reported. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Vinod Shahir Sasane in connection with C.R. No. 903 of 2020 registered with -Wanawadi Police Station, Pune shall be released on bail on his furnishing PR. 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 4 weeks in lieu of surety.
- (d) The applicant shall attend the trial regularly.
- (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.

6. The application is disposed of.

(M. S. KARNIK, J.)