



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

**BAIL APPLICATION NO.409 OF 2023
WITH
INTERIM APPLICATION NO.1917 OF 2023**

MAHENDRA KALICHARAN SINGH ..APPLICANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. Yogita Kanojia a/w Adv. Ashok Chopra for the
Applicant.
Mr. N. B. Patil, APP for the State.
Adv. Munira Palanpurwala for respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 20, 2023

P.C. :

- 1.** Heard learned counsel for the applicant, learned APP for the State and learned counsel for respondent No.2.
- 2.** This is an application for bail in respect of the offence punishable under Section 354 of the Indian Penal Code (hereafter 'IPC' for short) and under Sections 8, 12 of the Protection of Children from Sexual Offences Act, 2012 (hereafter "POCSO Act", for short) registered on 06.11.2020 vide FIR bearing C.R. No.903 of 2020 with Kandivali Police Station, Mumbai.

3. The applicant was arrested on 06.11.2020. It is alleged by the victim who at the relevant time was 10 years old that the applicant committed an act with her which is an offence punishable under the aforesaid provisions. The complainant is the victim's maternal aunt.

4. Learned counsel for the complainant submitted that the complainant has no objection for this Court to enlarge the applicant on bail.

5. The applicant is in custody almost for three years. The maximum punishment for the offence is imprisonment of five years. There are no criminal antecedents reported against the applicant. The investigation is complete and the charge-sheet has been filed. The trial is likely to take a long time to conclude. In the facts and circumstance of the case I am inclined to enlarge the applicant on bail.

6. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Mahendra Kalicharan Singh in connection with FIR bearing C.R. No.903 of 2020 with Kandivali Police Station, Mumbai 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 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 attend the trial regularly.

(g) The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

7. The application is disposed of.

8. Interim application is also disposed of.

9. I appreciate the valuable assistance rendered by Munira Palanpurwala, the learned Advocate, who appeared on behalf of respondent No.2 in this proceeding. Learned

advocate may be paid the fees as prescribed by the Legal Aid Services Authority or if not prescribed, the same is quantified at Rs.5000/-.

(M. S. KARNIK, J.)