



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

BAIL APPLICATION NO.569 OF 2023

SANJAY ARJUN VARTHE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Farheen Chaudhary a/w Adv. Kajal Shukla for the
Applicant.

Mr. Vivek Arote for Respondent No.2.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 22, 2023.

P.C. :

1. Heard learned counsel for the applicant, learned counsel for respondent No.2 appointed through legal aid and learned APP for the State.

2. This is an application for bail in connection with First Information Report (FIR) No.218 of 2019 registered with Rabale Police Station, for the offences punishable under Sections 376, (2), (f), (j), (n) and 506(2) of the Indian Penal Code, 1860 (IPC) and Sections 4, 6 and 10 of the Protection of Children from Sexual Offences Act, 2012.

3. Learned APP and learned counsel for respondent No.2

opposed the application.

4. The applicant was arrested on 08/04/2019. The complainant is a vegetable seller and the wife of the applicant. The victim was 14 years of age and was also selling vegetables. The victim was residing at her aunt's place along with her siblings. Her aunt was torturing her. The victim would go and reside with the complainant. It is alleged that the applicant committed an act with the victim which is an offence punishable under the aforesaid sections.

5. My attention is invited to the statement recorded under Section 164 of the Code of Criminal Procedure, 1973, of the victim in which she has narrated the commission of the act done by the applicant. It is further stated that she was forced to file the complaint. The victim was a minor at the time of the alleged incident.

6. The applicant is in custody for more than 4 years with the possibility of trial commencing any time soon appears to be remote.

7. The charge sheet is filed and the investigation is complete. There is nothing on record to indicate that the

applicant is a flight risk. For the purpose of the present application, in my opinion, taking an overall view of the matter, as the applicant is in custody for more than 4 years without any possibility of trial commencing any time soon, the applicant can be released on bail. No criminal antecedents are reported against the applicant. Hence, the following order:

ORDER

- (a) The applicant – Sanjay Arjun Varthe in connection with C.R.No. 218 of 2019 registered with Rabale Police Station shall be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (b) The applicant shall report to the Investigating Officer of the concerned police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (c) 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.

(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.

8. The application is disposed of.

9. I appreciate the assistance rendered by Mr. Vivek Arote who appeared in these proceedings on behalf of respondent No.2.

(M. S. KARNIK, J.)