



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

BAIL APPLICATION NO.641 OF 2023

VINOD MADHUSUDAN NAMDEV ..APPLICANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Mr. Nitin Sejpal a/w Ms. Akshata Desai and Ms. Sakshi Jha, Mr. Siddhanth G. for the Applicant.
Ms. Vrushali Raje, for Respondent No. 2.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 30, 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 376, 370(2) of the Indian Penal Code (hereafter 'IPC' for short), sections 4 and 5 of the Immoral Traffic (Prevention) Act, 1956 and sections 4, 16, 17, 18 of the Protection of Children from Sexual Offences Act, 2012 (hereafter 'the POCSO Act' for short) registered vide C.R. No. 438 of 2021 with Kamothe Police Station. The First Information Report is dated 29/10/2021.

The applicant was arrested on 30/11/2021.

3. The raid was conducted on 29/10/2021 when some accused were arrested for allegedly committing the offence under the aforesaid sections. The prosecutrix is alleged to be a minor aged 17 years. The medical report indicates her age to be of 17 to 18 years.

4. The accusations are mainly against the accused no.1. The accused no. 1 introduced the prosecutrix to the present applicant. The present applicant is alleged to be an agent who introduced the prosecutrix to two persons towards which he received the commission. All other accused have been enlarged on bail.

5. Learned APP and learned counsel for the respondent no. 2 opposed the application and submitted that the accusations are serious and there is one criminal antecedent reported against the applicant of similar nature. The criminal antecedent reported is of the year 2015. I am of the opinion that in the facts and circumstances of the present case, the applicant can be enlarged on bail as he was arrested as far back as on 30/11/2021 and is now in custody for a period of more than 1 year and 9 months with no possibility of trial concluding any time soon. The investigation is complete. Charge-sheet is filed. The criminal antecedent reported

against the applicant is not such that the applicant be denied the facility of bail. Nonetheless, it is necessary to impose stringent conditions while enlarging him on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Vinod Madhusudan Namdev in connection with C.R. No.438 of 2021 registered with Kamothe Police Station shall be released on bail on his furnishing PR. Bond of Rs.15,000/- with one or more local sureties in the like amount.
- (c) The applicant shall report the investigating officer of Kamothe 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 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 not enter Thane district till the conclusion of the trial except for the purpose of attending the investigating officer and attending the trial.

(g) The applicant shall not establish any contact with the prosecutrix.

6. The application is disposed of.

7. I express my gratitude for the able assistance rendered by the Advocate Ms. Vrushali Raje representing respondent No.2 in these proceedings.

(M. S. KARNIK, J.)