



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

BAIL APPLICATION NO. 658 OF 2023

PAWAN BACHIRAM ARRIYA ..APPLICANT
VS.
STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Mr. Vishal M. Deshmukh, for the applicant.
Mr. N. B. Patil, APP for the State.
PSI- Mr. Vaibhav Khade, D.N. Nagar Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 26, 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, 366(A), 376 of the Indian Penal Code, under sections 4, 5, 6 of the Protection of Children from Sexual Offences Act, 2012 registered on 19/12/2017 vide C.R. No.709 of 2017 with D.N. Nagar Police Station.
- 3.** The applicant was initially enlarged on bail by the trial Court on 07/04/2018. The applicant was given the facility of a cash bail. The applicant failed to furnish surety. The applicant failed to remain

present when the trial was fixed for hearing. Non-bailable warrant was issued against him and the applicant was arrested. The application was made by the applicant before the trial Court for bail. The trial Court by the order dated 03/01/2023 rejected the application. The trial Court observed that the applicant has been consistently remaining absent and not attending the trial. Further it is observed that the applicant has failed to furnish the required surety.

4. The application was opposed by learned APP.

5. I have perused the roznama. It is seen that the applicant has attended the trial Court till February 2022. No doubt, he was absent on some occasions. According to learned counsel for the applicant, it is during the lock-down, the applicant was under the impression that the trial will not resume and that his presence is not required. It is under this impression that the applicant did not remain present. In my opinion, considering that the applicant is again taken back in custody since 29/03/2022, the applicant can be enlarged on bail as even after issuance of the non-bailable warrant of arrest, he has suffered sufficient incarceration as an under-trial. The applicant was earlier enlarged on bail. Learned counsel for the applicant submits

on instructions that the applicant will abide by the conditions and will attend the trial regularly. Considering that the personal liberty of the applicant is involved and as the applicant prior to February 2022 had been attending the trial with reasonable regularity, the applicant can be enlarged on bail by showing him indulgence. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Pawan Bachiram Arriya in connection with C.R. No. 709 of 2017 registered with D.N. Road Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the investigating officer of D.N. Nagar police station once in a month on every Saturday 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 attend the trial regularly.

6. The application is disposed of.

(M. S. KARNIK, J.)