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

BAIL APPLICATION NO.839 OF 2023

SADANAND VITHAL DINKAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA & ANR.

..RESPONDENTS

Adv. Misbaah Solkar a/w Adv. Sumaiya Khan a/w Adv.
Ashraf Akhai for the applicant.

Mr. N. B. Patil, APP for the State.

Adv. Suvarna Yadav for respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 6, 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 Sections 363, 376(2)(i) of the Indian Penal Code (hereafter 'IPC' for short) and under Sections 4, 8, 12 of Protection of Children from Sexual Offences Act, 2012 (hereafter "POCSO Act", for short) registered on 04.02.2019 vide C.R. No.45 of 2019 with Worli Police Station.

3. The date of incident is 03.02.2019. The applicant was arrested on 06.02.2019. The applicant is incarcerated for more than 4 ½ years. I am informed that even the charge has not been framed so far.

4. Learned APP as well as learned counsel for respondent No.2 vehemently opposed the application for bail. It is submitted that the accusations against the applicant are serious. It is further submitted that the victim was hardly 13 years and 10 months of age when the incident took place. Learned counsel for respondent No.2 submitted that considering the serious nature of the offence the application should be rejected.

5. I have perused the statement of the victim (page 38 of the paper book) as well as that of her friend (page 48 of the paper book). I do not wish to elaborate on the merits as that would have the effect of influencing the trial. Suffice it to observe that having considered the statement of the victim and that of her friend, the conduct of the applicant post the incident, the nature of relationship between the applicant and the victim's family, the medical evidence on

record coupled with the incarceration of the applicant for more than 4 ½ years in custody without the possibility of the trial concluding any time soon, I am of the opinion that the applicant can be enlarged on bail. Undoubtedly the accusations are serious and the applicant will face the consequences of the trial if found guilty by the trial Court. I propose to impose conditions. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Sadanand Vithal Dinkar in connection with C.R. No.45 of 2019 registered with Worli 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 is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of four weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Worli police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(e) The applicant shall not enter the jurisdiction of Worli Police Station till the trial is over except for the purpose of attending the Investigating Officer.

(f) 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.

(g) 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.

(h) The applicant shall not make any attempt to contact the victim or the family members till the trial concludes.

6. The application is disposed of.

(M. S. KARNIK, J.)