



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

BAIL APPLICATION NO. 972 OF 2023

SUMITKUMAR PRAMODKUMAR SAHA ..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. Mr. Subhash Jha a/w Adv. Meena Mishra a/w Adv. Linisha Seth a/w Adv. Praveena Venkatraman a/w Adv. Ritesh Kesarwani i/b Law Global Advocates for the Applicant.

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

Mr. Ashish Satpute for Respondent No.2.

Mr. Sanjeev Mane, PSI, Rabale Police Station, Navi Mumbai.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 25, 2023

P.C. :

1. Heard learned counsel for the applicant, learned counsel for respondent No.2 and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 376, 376(2)(n), 376(3) 506 of the Indian Penal Code and Sections 4, 5(l), 5(j)(2), 6, 8 and 10 of the Protection of Children from Sexual Offences Act, 2012, registered on 13/06/2020 vide C.R. No.185 of 2020

with Rabale Police Station, Navi Mumbai

3. I have perused the statement recorded under Section 161 of the Code of Criminal Procedure of the victim who was at the relevant time 15 years of age. The statement was recorded on 16/06/2020. The applicant was arrested on 25/10/2020. The applicant at the relevant time was unmarried. The applicant is now in custody almost for a period of 3 years and it appears that the trial is likely to take a long time to conclude. There are no criminal antecedents reported against the applicant. The DNA certificate which is at page No.129 of the paperbook shows that the applicant is excluded to be the biological father of the baby of the victim. As the victim is a minor, her consent is immaterial.

4. However, in the facts and circumstances of the present case, considering that the applicant is in custody for more than 3 years with no criminal antecedents recorded against him, any further incarceration of the applicant will only be by way of pre-trial punishment. The investigation is complete and the charge-sheet has been filed. The

applicant will face the consequences post-trial if found guilty. Though the application is opposed by the learned APP and learned counsel for the victim, I am inclined to enlarge the applicant on bail by imposing stringent conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Sumitkumar Pramodkumar Saha in connection with C.R. No. 185 of 2020 registered with Rabale 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 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Rabale police station, once in three months, every first Monday of the concerned month, commencing November 2023, between 11.00 a.m. and 1.00 p.m.
- (e) 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.

(f) 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.

(g) The applicant shall not enter into the jurisdictions of Ghansoli Police Station and Kurla Police Station, after being released on bail, till the trial concludes.

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

(i) The applicant shall not contact or threaten or intimidate the victim. If any such attempt is made the same shall be viewed seriously.

5. The application is disposed of.

6. I appreciate the valuable assistance rendered by Advocate Ashish Satpute, who appeared on behalf of respondent No.2 in this proceeding. His engagement be regularized by the Maharashtra State Legal Services Authority.

(M. S. KARNIK, J.)