



Diksha Rane

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1262 OF 2023**

RAJESH GOVIND GOTAL ..APPLICANT
VS.
THE STATE OF MAHARASHTRA& ANR. ..RESPONDENTS

Adv. Sunny Waskar a/w Adv. Bhavika Patil for the applicant.
Ms. Veera Shinde, APP for the State.
Adv. Asmita Bhoir for the respondent no.2.
PSI S. L. Chakane, Dahisar Police station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 1, 2023

P.C. :

- 1.** Heard learned counsel for the applicant, learned APP for the State and learned counsel for the respondent no.2.
- 2.** This is an application for bail in respect of the offence punishable under Sections 354, 354(a) of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 8, 10 of the Protection of Children from Sexual Offences Act, 2012 (hereafter 'the POCSO Act' for short) registered on 4/8/2022 vide C.R. No.1335/2022 with Dahisar Police Station.
- 3.** The applicant was arrested on 4/8/2022 on the basis of the First Information Report (FIR) lodged by the victim. The victim is the daughter of the present applicant. The victim in her statement says that the applicant has committed the

act which constitutes the offence under the aforesaid sections.

4. Learned APP opposed the application for bail.

5. The victim and her mother are present in the Court. The victim is represented by her advocate. The victim is presently a major. The victim through her advocate insists that she does not want to proceed with the criminal proceedings filed against the applicant and that the complaint was made as a result of some misunderstanding. It is further submitted by learned counsel for the victim that she has no objection if the applicant is enlarged on bail.

6. Learned counsel for the applicant submitted that a false complaint was filed against the applicant as there were some domestic quarrels between the applicant and the victim's mother.

7. Considering that the applicant is in custody since 4/8/2022 with no possibility of trial commencing anytime soon, any further incarceration will only be by way of pre-trial punishment. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant does not

appear to be a flight risk. In the facts and circumstances of the present case, the applicant can be enlarged on bail.

Hence, the following order :-

ORDER

- (a) The application is allowed.
 - (b) The applicant- Rajesh Govind Gotal in connection with C.R. No.1335/2022 registered with Dahisar Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
 - (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.15,000/- for a period of 6 weeks in lieu of surety.
 - (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. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.
 - (g) The applicant shall surrender his passport, if any, to the investigating officer.
- 8.** The application is disposed of.

(M. S. KARNIK, J.)