



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

BAIL APPLICATION NO. 1172 OF 2023

RAJU VARGHESE PUNNATTAKUNEL ..APPLICANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Mr. E.A. Sasi for the Applicant.
Mr. Amit A. Gharte for Respondent No.2.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 29, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant, learned counsel for respondent No.2 – Mr. Gharte who is appointed by this Court and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 354 of the Indian Penal Code and Sections 12 and 8 of the Protection of Children from Sexual Offences Act, 2012 registered vide C.R. No.336 of 2022 dated 03/12/2022 with Uran Police Station, Navi Mumbai.
- 3.** The applicant was arrested on 03/12/2022 and is in now custody almost for a period of 8 months. Learned

counsel for the applicant submits that the applicant and the complainant were residing in the same building and there has been some personal enmity between the families for a long time. Learned counsel for the applicant states that the case of false implication cannot be ruled out. The victim is 11 years of age. I am informed that respondent No.2 is not now residing in the same building and has been shifted with her family to some other place.

4. The applicant is 62 years old. On record is a EMG/NCV report of the 'Brain Centre: Neurology Clinic and Diagnostics' dated 05/02/2021 in which the conclusion indicates that there is an abnormal EMG/NCV study suggestive of left C5, 7 radiculopathy which is to be correlated clinically. Learned counsel for the applicant, placed reliance on a certificate dated 21/08/2008 of the Consulting Surgeon and Oncologist in which it is indicated that the applicant was taking treatment at Bombay Hospital for lung infection. He was advised to stay at home to continue the medication and follow up regularly. Learned counsel for the applicant submits that even now the

applicant is under treatment for lung infection with which he was diagnosed as far back as in 2008.

5. Learned APP and learned counsel for respondent No.2 opposed the application.

6. The investigation is complete and the chargesheet is filed. The applicant does not appear to be a flight risk. Considering the age of the applicant and the ailments suffered, in the facts and circumstances of the present case as the applicant is in custody for more than 8 months with no possibility of trial concluding any time soon, the applicant can be enlarged on bail. The applicant will face the consequences of the trial if he is found guilty. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Raju Varghese Punnattakunel in connection with C.R. No. 336 of 2022 registered with Uran Police Station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.

(c) The applicant shall attend the trial regularly.

(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.

7. The application is disposed of.

8. I express my gratitude for the able assistance rendered by the Advocate Amit A. Gharte representing respondent No.2 in these proceedings.

9. The legal services authority may regularize the appointment of Advocate Amit A. Gharte.

(M. S. KARNIK, J.)