



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

BAIL APPLICATION NO. 1317 OF 2023

MAHESH ISHWAR MORE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR.

..RESPONDENTS

Mr. Amol Jagtap a/w Ms. Chandni Sachode, for the Applicant.
Ms. Payal Vardhan, for Respondent No.2.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 04, 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 376, 376(2)(n), 452, 506 of the Indian Penal Code, 1860 ('IPC', for short) and under sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO', for short) registered on 06/08/2022 vide C.R. No.164 of 2022 with Swargate police station. The applicant was arrested on 07/08/2022.
- 3.** At the time of the incident, the victim was 15 years old. I have carefully perused the statement of the victim at page 29 of the paper-book. From the statement of the

victim, it seems that there were differences between her parents and therefore she left home on 28/07/2022 and went along with one of her friend named Suresh Adagale. Her friend Suresh took her to Mumbai. In view of the complaint made by the victim's father under section 363 of IPC, the victim was taken for medical examination while she was at Mumbai in the company of her friend Suresh. Learned counsel for the applicant submitted that it is in the medical history, the victim reveals that she was in a relationship with Suresh. She also stated that since 6 months prior to the recording of the statement, the present applicant had forcible sexual relations with her on several occasions against her wish.

4. The application is opposed by learned APP and learned counsel appearing for respondent no. 2.

5. The applicant was arrested on 07/08/2022. He is in custody for almost 1 year and 4 months with no possibility of trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. In the facts and circumstances of the present case, I am inclined to

enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant – Mahesh Ishwar More in connection with C.R. No. 164 of 2022 registered with Swargate police station shall be released on bail on his furnishing P.R. Bond of Rs.10,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 10,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the investigating officer of Swargate police station as and when called.
- (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) Except for attending the trial and for the purpose of

reporting to the investigating officer, the applicant shall not enter the jurisdiction of Swargate 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 threaten or influence the victim or establish any contact with her.

6. The application is disposed of.

7. I appreciate the valuable assistance rendered by Ms.Payal Vardhan the learned Advocate, who appeared on behalf of respondent No.2 in this proceeding. The fees/honorarium is quantified at Rs.5,000/- payable by the legal services authority.

(M. S. KARNIK, J.)