

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

BAIL APPLICATION NO. 1712 OF 2022

Sujal Dinkar Vaidya ... Applicant
v/s.
The State of Maharashtra and anr. Respondents

Mr. Majeed Memon a/w. Mr. Mateen Qureshi, Mr. Khalil Girkar
and Mr. Tapish Jain for the Applicant.
Ms. A.A. Takalkar, APP for the State.
Mr. Ganesh Bhujbal for Respondent No.2.
Mr. Ashok Patil, PSI, Malvani Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 21st APRIL, 2023.

P. C. :-

. This is an Application under section 439 of Cr.PC. filed by the aforesaid Applicant who is facing trial in Special Case No.299/2021 pending on the file of Special Court, Dindoshi. The said case arises from C.R.No.871/2021 registered with Malwani Police Station, Mumbai for offences punishable under sections 354, 363, 366A, 368, 376, 376D of the Indian Penal Code, Sections 4, 5, 6, 8, 9(G) and 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and sections 67A of Information Technology Act.

2. Heard learned counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions

advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by the mother of the victim. The records prima facie reveals that the victim was 16 years 07 months old. She was acquainted with one Rahul. She had developed friendly relationship with the co-accused and had sexual relationship with him. On 31/05/2021, at about 12:00 a.m., the accused – Harshal called her and she went out of the house without informing her parents. She accompanied Harshal to a place behind hotel Re-treat. Friends of Harshal were also present at the place and were consuming liquor. She has stated that said Harshal had sexual intercourse with her without her consent. She states that since she was receiving constant messages from her father, she switched off her mobile phone. She has stated that on 01/06/2021, at about 04:00 a.m., Harshal took her for drive in the vicinity of Malwani Church. She has stated that the co-accused Anil came to the place of the incident and Harshal also requested his friend – Anil to accompany him. She claims that the co-accused Anil who had come to the spot at the instance of Harshal, asked her to accompany him. He took her near one construction spot and requested her to stay with him overnight. She claims that the said accused also sexual intercourse with her. He

gave her money and told her to return home. She claims that she was scared and went to her friend – Sameer's house. She claims that said Sameer also sexually abused her. On 02/06/2021, the Applicant herein came to the house of Sameer. She told him that she had left her home and the Applicant assured her to make arrangement of her stay. She claims that the Applicant also had sexual relationship with her against her wish. Thereafter, she returned her home.

4. The records prima facie reveals that the Applicant herein was involved in inducing the victim in going to his house. The records reveal that the victim who was almost 17 years of age had left the house on her own and had accompanied Harshal and several others and had sexual relationship with them. The Applicant himself is a young boy of 19 years of age. It is stated that he was a student of Prakash Degree College. The Applicant is in custody since 04/06/2021. It is stated that charge is not yet framed. Considering the large pendency, the trial is not likely to commence in immediate future. Detention of the Applicant in custody will turn him into hardened criminals.

5. Considering all the above facts and circumstances and

particularly the age of the Applicant, the Applicant is entitled for bail. Hence, the Application is allowed on the following terms and conditions :-

- (i) The Applicant who is facing trial in Special Case No.299/2021 pending on the file of Special Court, Dindoshi arising out of C.R.No.871/2021 registered with Malwani Police Station, Mumbai is ordered to be released on cash bail in the sum of Rs.30,000/- for a period of four weeks ;
- (ii) The Applicant shall, within the said period of four weeks, furnish P.R. bonds in the sum of Rs.30,000/- with one or two solvent sureties in the like amount ;
- (iii) The Applicant shall report to Malwani Police Station, Mumbai once in two months on the 1st day of every month between 11.00 a.m. to 02.00 p.m. till framing of the charge ;
- (iv) The Applicant shall not interfere with the complainant and victim and the other prosecution witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with

the case in any manner ;

(v) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.

(vi) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

6. Bail Application stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)

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