



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

BAIL APPLICATION NO. 1583 OF 2023

ROHIT @ MONU RAVINDRANATH
PANDEY ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Aayushi Chauhan a/w Adv. Manindra Pandey for the
Applicant.
Ms. Veera Shinde, APP for the State.
Adv. Poonam Patil for Respondent No.3/Informant.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 17, 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 Section 377 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012 registered on 04/09/2022 vide C.R. No.600 of 2022 with Kashimira Police Station, Thane.
- 3.** The applicant is 20 years of age and the victim is 10 years of age. The applicant was arrested on 05/09/2022.

4. Learned APP opposed the application. It is submitted that there is an eyewitness to the incident.

5. Learned counsel for the complainant appears and submits that the complainant has no objection if the applicant is granted bail. It is on account of some misunderstanding, the complaint came to be filed. It is further submitted that the complainant has no grievance against the present applicant.

6. The applicant has been in custody for 1 year. There are no criminal antecedents reported against the present applicant. In the facts and circumstances of the present case, as the investigation is complete and the charge-sheet has been filed, the possibility of trial concluding any time soon appears remote, further incarceration of the applicant would amount to pre-trial punishment. The applicant will face the consequences of the trial if found guilty. Taking an overall view of the matter, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Rohit @ Monu Ravindranath Pandey in connection with C.R. No. 600 of 2022 registered with Kashimira 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 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.

7. The application is disposed of.

(M. S. KARNIK, J.)