

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1890 OF 2022

VAISHALI
ANIL
TIKAM

Ravi Billa Bawaskar

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Digitally signed
by VAISHALI
ANIL TIKAM

Date:
2023.10.23
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Mr. Ashish Raghuvarshi, Advocate for the Applicant.

Ms. Anamika Malhotra, APP for Respondent-State.

Mr. Mikhail Dey a/w. Mr. Tanmay Karmarkar for Respondent No.2

P.I. Amar Kalange, Vinoba Bhave Nagar Police Station present

CORAM : SHIVKUMAR DIGE, J.

DATE : 17th OCTOBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in Crime No. 323/2021 registered with Sahar Police Station for offences punishable under Sections 354, 354 (a) (d) of Indian Penal Code, 1860 and Section 8, 10 of POCSO Act.

2. It is prosecution's case that the Applicant had molested the victim and the said incident was seen by the eye witnesses and it is recorded in mobile.

3. It is the contention of learned counsel for applicant that Applicant has been falsely implicated in this case. The Applicant is behind bar for more than two years. Yet the charge has not been

framed. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the application.

4. It is the contention of the learned counsel for Respondent No.2 that the Applicant had molested the victim. The incident is recorded on video. There is a prima facie case against the Applicant. If the Applicant is released on bail, he may threaten the victim. Hence, requested to reject the application. Learned APP reiterated the submissions of the learned counsel for Respondent No.2.

5. I have heard both learned counsel, perused the FIR and charge-sheet.

The maximum punishment for the offences registered against applicant is seven years. The Applicant is behind bar for more than two years. Yet the charge is not framed. Investigation is completed and charge-sheet has been filed. It may take time to conclude the trial. Keeping applicant behind bar would amount to pretrial conviction.

6. Considering the above facts, applicant's further detention is not required, hence I pass following order :

ORDER

(i) Applicant be enlarged on bail in Crime No. 323/2021

registered with Sahar Police Station on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till framing of charge.

(iii) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

(iv) The Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

7. The application is allowed in the aforesaid terms and is accordingly disposed off.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)