



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

BAIL APPLICATION NO.1235/2023

PRASAD S/O VYANKATRAO MARGAN ..APPLICANT
VS
STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. Veerdhawal Deshmukh i/b Adv. Sandeep Swami for the
Applicant.

Adv. Abhishek D. Nagode for Respondent No.2.

Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 23, 2023.

P.C. :

1. Heard learned counsel for the applicant, learned
counsel for respondent No.2 and learned APP for the State.

2. This is an application for bail by the applicant in
connection with First Information Report (FIR) No.467 of
2022 dated 27/12/2022, registered with Chandan Nagar
Police Station, District- Pune, for the offence punishable
under Sections 354-A of the Indian Penal Code, 1860 and
under Sections 8, 9(n), 10 and 12 of the Protection of
Children from Sexual Offences Act, 2012.

3. The FIR is dated 27/12/2022. The applicant is the

stepfather of the victim who is the minor. It is alleged that on 14/10/2022 when the mother of the victim had gone out, the applicant put sindoor on her forehead and tried to marry her forcibly. The victim tried to run away from the spot. However, the applicant caught hold of the victim.

4. The victim and her mother are personally present in the Court today. The victim through the learned APP states that she does not wish to pursue the case against the stepfather/applicant. The mother who is present in the Court, through her advocate, informs that there was some dispute between the applicant and herself because of which the FIR was filed. She does not wish to pursue the matter any further. Further respondent No.2 instructs her counsel to urge that the incident, as stated in the statements recorded under Sections 161 and 164 of the Code of Criminal Procedure, 1973, has not taken place and the FIR was registered on account of some misunderstanding.

5. The applicant was arrested on 27/12/2022 and has been in custody for almost 8 months. The trial is likely to take a long time to conclude. In the facts of the present

case, no purpose will be served by the continued incarceration of the applicant. Hence, the following order:

ORDER

(a) The applicant- Prasad S/O Vyankatrao Marganin connection with FIR No.467 of 2022 dated 27/12/2022, registered with Chandan Nagar Police Station, District- Pune, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(b) The applicant is permitted to furnish cash bail security in the sum of Rs.25,000/-, for a period of eight weeks, in lieu of sureties.

(c) 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.

6. The application is disposed of.

(M. S. KARNIK, J.)