

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

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BAIL APPLICATION NO. 1848 OF 2022

Raju Ramkalap Yadav ..Applicant
VS.
The State of Maharashtra and anr. ..Respondents

Ms. Ruchita Patel i/b Ms. Aarti Bobde, for the Applicant.
Mr. S. V. Gavand, APP for the State.
Mr. H.R. Chavan, for Respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 1, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for bail in respect of C.R.No. 181 of 2021 dated 18/04/2021 registered with Samtanagar Police Station, Kandivali for the offence punishable under sections 354 of the Indian Penal Code, 1860 and under sections 8 & 12 of the Protection of Children from Sexual Offences Act, 2012.
- 3.** The applicant was arrested on 18/04/2021 and as of

now is in custody for 1 year and 9 months. It is the allegation that the applicant touched the victim inappropriately. The victim's mother gave negative medical consent. The maximum punishment prescribed is 5 years for the alleged offence. The trial is likely to take considerable time to conclude. Even charge has not been framed so far. Considering the nature of the accusations and the fact that the punishment of maximum 5 years which is prescribed for alleged offence, of which the applicant has already undergone 1 year and 9 months as an under trial prisoner, the applicant can be released on bail. No criminal antecedents are reported against the applicant. While rejecting the bail, the trial Court has observed that if released on bail, then out of anger, the applicant may commit any other crime. It is further observed that the applicant may cause any harm to the victim and witnesses. Learned counsel for the applicant submitted that the applicant is willing to reside outside the jurisdiction of the police station where the victim is residing. Statement is accepted. Hence, the following order.

ORDER

(a) The application is allowed.

(b) The applicant - Raju Ramkalap Yadav in connection with C.R.No. 181 of 2021 dated 18/04/2021 registered with Samtanagar Police Station, Kandivali shall be released on bail on his furnishing P.R. bond in the sum of Rs.15,000/- with one or more sureties in the like amount.

(c) The applicant shall reside outside the jurisdictional police station where the victim is residing.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant should not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer of the concerned Police Station and shall keep him updated, if there is any change.

(f) The applicant shall report to the investigating officer once in a month on every Monday of the first week between 11.00 a.m. and 1.00 p.m. and thereafter as and when called.

4. I appreciate the assistance rendered by Mr. Chavan, learned advocate, who was requested to appear on behalf of the victim.

5. The application is disposed of.

(M. S. KARNIK, J.)