



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

**BAIL APPLICATION NO. 1767 OF 2023**

|                           |              |
|---------------------------|--------------|
| NANDLAL AMIRCHAND KUSHWAH | ..APPLICANT  |
| VS.                       |              |
| THE STATE OF MAHARASHTRA  | ..RESPONDENT |

Mr. Tajammul Usman Khan i/b Capri Legal, for the Applicant.  
Ms. Rutuja Ambekar, APP for the State.  
Ms. Priyanka H. Chavan, for Respondent No.2.

**CORAM : M. S. KARNIK, J.**

**DATE : DECEMBER 21, 2023**

**P.C. :**

1. Heard learned counsel for the applicant and learned APP for the State. Learned counsel Ms. Priyanka Chavan appeared for respondent no.2.
2. This is an application for bail in respect of the offence punishable under section 354A of the Indian Penal Code, 1860 and under sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 registered on 18/02/2022 vide C.R. No.77 of 2022 with Bhosari MIDC police station. The date of the incident is 17/02/2022. The applicant was arrested on 18/02/2022.
3. It is the prosecution case that the applicant

committed an act on 17/02/2022 which is punishable under the aforesaid sections between 8:00 p.m. and 8:30 p.m. on the victim who was 9 years of age. The maximum punishment prescribed for the aforesaid offence is 5 years. The applicant is in custody for more than 22 months. Learned APP as well as the respondent no.2 opposed the application for bail contending that the accusations are serious. However, considering the period the applicant has spent 22 months in custody as an undertrial and in view of the maximum punishment prescribed for the offence. I am of the opinion that any further incarceration will only be by way of pre-trial punishment. The applicant will face the consequences post-trial if found guilty. Learned counsel for the applicant submits that the applicant is even ready to reside outside the area of Bhosari and Yerwada police stations. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The trial is likely to take a long time to conclude. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

**ORDER**

- (a) The application is allowed.
- (b) The applicant - Nandlal Amirchand Kushwah in connection with C.R. No.77 of 2022 registered with Bhosari MIDC police station shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 15,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the investigating officer of Bhosari MIDC police station once in three months on every first Monday of the concerned month commencing from January 2024 between 11.00 a.m. and 1.00 p.m.
- (e) 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.
- (f) 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.

(g) Except for attending the trial and for the purpose of reporting to the investigating officer, the applicant shall not enter the jurisdiction of Bhosari and Yerwada police stations after being released on bail, till the trial concludes.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

**4.** The application is disposed of.

**5.** I appreciate the valuable assistance rendered by Ms.Priyanka H. Chavan, the learned Advocate, who appeared on behalf of respondent No.2 in this proceeding. Her engagement be regularized by the Legal Services Authority.

**(M. S. KARNIK, J.)**