

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

CRIMINAL BAIL APPLICATION NO. 2620 OF 2022

Avinash Ramesh Jadhav

...Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Nikhil Wadikar a/w Ms.Shweta Pandey i/b Mr.Prashant
Mairale and Mr.Pradip Zende, for the Applicant.
Mr.A.A. Palkar, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th OCTOBER 2023

P.C:-

. By this Application, Applicant is seeking bail in
Crime No.123 of 2022 registered with Ranjangaon MIDC Police
Station, District-Pune, for the offence punishable under Sections
354(A), 506 of the Indian Penal Code ('IPC' for short) and
Sections 8 of 12 Protection of Children from Sexual Offences
Act, 2012 ('POCSO' for short).

2. It is prosecution's case that, on 19th March 2022 Applicant had molested the victim on two occasions.

3. It is contention of the learned counsel for the Applicant that, Applicant has been falsely implicated in this case. Applicant is behind bar more than 18 months. Maximum sentence under Section 8 of the POCSO Act is 5 years. Investigation is completed and charge-sheet has been filed. Yet charge has not been framed. Hence, requested to allow the Application.

4. The learned counsel for Respondent No.2 submitted that, Applicant had molested the victim on two occasions and one incident was witnessed by the eye witness, he has stated about the act of the Applicant. There is *prima facie* case against the Applicant. If he released on bail, he may threaten the witnesses and victim.

5. The learned APP reiterates the submissions of the learned counsel for Respondent No.2.

6. I have heard both learned counsel. Perused FIR and charge-sheet.

7. The maximum sentence for the offence committed by Applicant is five years. Applicant is behind bar more than 18 months. Investigation is completed and charge-sheet has been filed. Yet trial has not started, it may take time to conclude the trial.

8. Considering the above facts, further detention of the Applicant is not required.

9. In view of above, I pass following order.

ORDER

(i) The Applicant be released on bail in Crime No.123 of 2022 registered with Ranjangaon MIDC Police Station, District-Pune, on furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount.

(ii) After his release from jail the Applicant shall attend the Ranjangaon MIDC Police Station, District-Pune, once in a month i.e. on every 1st Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.

- (iii) The Applicant shall not enter in the village Babolsar, Taluka-Shirur, District-Pune, till recording of evidence of victim.
- (iv) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (v) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.
- (vi) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)