

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

BAIL APPLICATION NO.2493 OF 2022

PRADNYA
MAKARAND
BHOGALE

Digitally
signed by
PRADNYA
MAKARAND
BHOGALE
Date:
2023.01.24
19:59:46
+0530

Rahul Dharma Hiwale ..Applicant
VS.
The State of Maharashtra and anr. ..Respondents

Mr. Angad R. More a/w Mr. Anil Pujari for the Applicant.
Mr. S. V. Gavand, APP for the State.
Mr. Dilip Rane, PSI, Aarey Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 24, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail by the applicant-Rahul Dharma Hiwale in connection with C.R. No.130 of 2021 registered with Aarey Police Station for the offence punishable under Sections 354 and 506 of the Indian Penal Code, 1860 (hereafter 'the IPC', for short) and under Sections 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 (hereafter 'POCSO Act', for short).

3. The applicant is the father of the victim. The applicant was arrested on 24/04/2021 and in custody for more than 1 year and 7 months. The applicant is alleged to have committed the offence against his daughter which is punishable under Sections 354 and 506 of the IPC and under Sections 8, 10 and 12 of the POCSO Act. The applicant's wife, who is the complainant is present in the Court along with the victim. The complainant says that she has no objection if the applicant is released on bail. I enquired with her whether there is any pressure on her but she submits that there is no pressure and insists that the applicant be released on bail. It is further submitted by her that the applicant would be residing at his sister's place and not with the complainant and the victim.

4. The charge-sheet has been filed and the investigation is complete. Taking an overall view of the matter, as the applicant is in custody for more than 1 and 7 months, the applicant can be released on bail.

5. Hence, the following order :-

ORDER

- (a) Application is allowed.
- (b) Applicant-Rahul Dharma Hiwale shall be released on bail in connection with C.R. No.130 of 2021 registered with Aarey Police Station, on his furnishing P.R. Bond of Rs.10,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.10,000/- for a period of 6 weeks in lieu of surety.
- (d) 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.
- (e) The applicant shall attend the concerned Police Station once in a month on every Monday of the first week between 11.00 a.m. and 1.00 p.m.
- (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) The applicant shall not enter the area where the complainant and the victim is residing during the pendency of the trial.

6. The Bail Application is disposed of.

(M. S. KARNIK, J.)