

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

DIKSHA
DINESH
RANE

BAIL APPLICATION NO.4228/2021

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KISHOR SURESH CHAVAN

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Vandana Singh for the applicant.

Ms. A. A. Takalkar, APP for State.

Adv. Ilsa Shaikh for the victim.

PSI Tanaji Patil, Vanrai Police Station.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 30, 2023.

P.C. :

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

2. This is an application for bail in respect of the offence punishable under Section 354 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 10 and 12 the Protection of Children from Sexual Offences Act, 2012 (hereafter 'the POCSO Act' for short), registered vide First Information Report (FIR) No.58/2021 with Vanrai Police Station.

3. The applicant was arrested on February 19, 2021. The victim at the relevant time is 13 years of age. The applicant is the step-father of the victim. The victim's mother was not getting along well with her husband from the first marriage and therefore, she separated and married the present applicant. The applicant along with the victim and her mother were residing together. It is the allegation of the victim that for past three years prior to the registration of the FIR, the applicant was touching her inappropriately which constitutes an offence punishable under Sections 10 and 12 of the POCSO Act and Section 354 of the IPC. The minimum sentence prescribed for the offence punishable under Section 10 of the POCSO is 5 years and maximum may extend to 7 years.

4. The applicant is the step-father of the victim. Learned counsel for the applicant contended that the applicant found a love letter written by the victim and therefore, he scolded her. She submits that the applicant being a step-father, the victim had a grudge against him and therefore, falsely implicated him. The said letter is produced on record at page 18.

5. Learned APP, however, submitted that the said letter is not part of the charge-sheet. The said aspect has not therefore been taken into consideration.

6. The case of the victim is that she had informed the conduct of the applicant to her mother but her mother ignored the victim's plea. The victim, then, had to file the complaint through Non-Governmental Organization (NGO).

7. The accusations, no doubt, are serious. It is pertinent to note that the investigation is complete and the charge-sheet has been filed. The victim is presently with the NGO- 'Rescue Foundation'. The trial may take long time to conclude. The applicant is in custody for a period of more than two years and eleven months. There are no criminal antecedents reported against the applicant. The applicant, therefore, can be enlarged on bail.

8. I appreciate the assistance of Ms. Ilsa Shaikh representing the complainant/victim.

9. Hence the following order.

ORDER

(a) The application is allowed.

(b) The applicant-Kishor Suresh Chavan in connection with FIR No.58/2021 with Vanrai 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 shall report to the Investigating Officer of the concerned police station once in a month on every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(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) 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.

(f) The applicant shall not in any manner establish contact with the victim.

10. The application is disposed of.

(M. S. KARNIK, J.)