

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

Digitally
signed by
DIKSHA
DINESH
RANE
Date:
2023.01.05
14:27:34
+0530

BAIL APPLICATION NO.4252/2021

JAYPRAKASH SURENDRA DUBEY ..APPLICANT

VS.

THE STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

Mr. Nehal Desale i/b. Mr. Manojkumar Dubey for the applicant.

Ms. Ameeta Kuttikrishnan for the respondent no.2.

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

PSI Swapnil Chaure, Kolsewadi Police Station, Kalyan.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 4, 2023.

P.C. :

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the respondent no.2.

2. This is an application for bail filed by the applicant for the offence punishable under Sections 376, 354, 506(ii) of the Indian Penal Code, 1860 (hereafter 'IPC' for short) and under Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012 (hereafter 'POCSO Act' for short) registered vide First Information Report (FIR) No.0189/2021 with Kolsewadi Police Station on April 29, 2021 .

3. Initially, the FIR was registered against the applicant under Sections 354, 506(2) of the IPC and under Section 8 of the POCSO Act. At the relevant time, the victim was not residing with her parents. She was residing with her aunt. The applicant is brother-in-law of the victim's aunt. The age of the applicant at the relevant time was 30 years. It is alleged by the victim that the applicant misbehaved with her. He removed her clothes and committed an act which is punishable under Section 354 of the IPC and those of POCSO. The victim was sent for medical examination. The medical examination did not reveal any injury on her person. The statement of the victim under Section 164 of the Code of Criminal Procedure was recorded on June 16, 2021 and thereafter, Section 376 of the IPC came to be added.

4. The applicant is in custody for more than 1 year and 8 months. The possibility of the trial concluding any time soon seems remote. In such circumstances, the applicant could be enlarged on bail. There are no criminal antecedents reported against the applicant. Hence the following order.

ORDER

- (a) The application is allowed;
- (b) The applicant–Jayprakash Surendra Dubey in connection with FIR No.0189/2021 registered with Kolsewadi Police Station, shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- with one or more sureties in the like amount;
- (c) The applicant shall not enter the jurisdiction of the Police Station where the victim is residing;
- (d) The applicant shall report to the investigating officer of the concerned police station once in fifteen (15) days 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 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;
- (f) The applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.

5. The application is disposed of.

(M. S. KARNIK, J.)