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

BAIL APPLICATION NO.2696 OF 2023

SATISH GIRIJASHANKAR CHATURVEDI ..APPLICANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. Anjali Patil for the applicant.
Ms. Rutuja Ambekar, APP for the State.
Adv. Apoorva Gupte for respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 14, 2023

P.C. :

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for respondent No.2.
2. This is an application for bail in respect of the offence punishable under Sections 376(2)(I), 506 of the Indian Penal Code (hereafter 'IPC' for short) and under Sections 4, 8 of the Protection of Children from Sexual Offences Act, 2012 (hereafter "POCSO Act", for short) registered on 16.09.2021 vide C.R. No.256 of 2021 with Koparkhairane Police Station.
3. The applicant was arrested on 27.09.2021. The accusation is that the applicant who is related to the

victim committed the act which constitutes the offence under the aforesaid sections.

4. Learned APP as well as learned counsel for respondent No.2 opposed the application for bail. It is submitted that the version of the victim shows the manner in which the act has been committed by the applicant. It is submitted that there is no reason to disbelieve her version. As regards the medical history prima facie not supporting the victim, it is submitted that the medical examination of the victim was carried out after several months of the incident as even the registration of the FIR was delayed due to threats administered by the applicant to the victim.

5. This is a second application for bail in this Court. The earlier Bail Application No.1109 of 2022 was disposed of by the following order :-

"1. Learned counsel for the applicant seeks leave to withdraw the application with liberty to file a fresh application after 6 months, if the trial does not proceed substantially.

2. The application is allowed to be withdrawn with liberty as prayed and disposed of accordingly."

6. I am informed that even the charge has not been framed so far. In this view of the matter considering that the applicant is in pre-trial custody since more than two years and two months with no possibility of the trial concluding any time soon, I am inclined to enlarge the applicant on bail. The applicant does not appear to be a flight risk. The applicant can be enlarged on bail by imposing conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Satish Girijashankar Chaturvedi in connection with C.R. No.256 of 2021 registered with Koparkhairane Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Koparkhairane Police Station once in three months on the first Monday of the concerned month between 11:00 a.m. to 01:00 p.m., commencing January, 2024, till the trial concludes.

(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 Thane District 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.

(i) The applicant shall not contact, threaten or influence the victim.

7. The application is disposed of.

(M. S. KARNIK, J.)