

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2851 OF 2022**

Tejas Dattatray ManaweApplicant

Versus

The State of Maharashtra and Anr. ...Respondents

Mr.Vishal V. Rankhambe along with Ms. Aparna V. Rankhame,
Advocate for the Applicant.

Mr.Y.Y. Dabke, APP for Respondent-State.

Mr. Shantanu Phanse, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 7th SEPTEMBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in C. R. No.60 of 2022 registered at Neral Police Station for the offences punishable under Section 354, 376 (2)(n) and 506 of Indian Penal Code, Sections 3(1)(r)(s)(w) and 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 4, 8 and 12 of the POCSO Act.

2. It is the prosecution case that applicant had molested the victim in between January 2021 to May 2021 and sexually assaulted her during that period.

3. It is the contention of learned counsel for applicant that initially complaint was lodged on 8th March 2022 by victim and police recorded the statement of victim on the same day. In the said statement, she had made allegations against the applicant about molestation. Two days thereafter, supplementary statement of victim was recorded by the police. In that statement, she alleged that applicant had committed sexual assault on her. There is delay of one year in lodging complaint. Applicant is behind bar for more than one year and five months. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the application.

4. It is contention of learned APP that victim was 13 year old. Applicant had molested her during the lock-down period and he sexually assaulted her. The statement of witnesses shows involvement of applicant in crime. If applicant is released on bail, he may threaten the victim and prosecution witnesses. Though initial complaint of molestation was lodged by victim, later on she has stated that she was sexually assaulted by the applicant. Learned APP further submitted that offences are registered also under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Hence requested to reject the application.

5. Learned counsel for respondent No.2 reiterates the submissions of learned APP.

6. I have heard all learned counsel.

7. As per the complaint, the offence was alleged to have been committed during the period between January 2021 to May 2021. Initially, the victim herself had lodged complaint with the police station on 8th March 2022 stating that she was molested by the applicant by touching her chest and other parts of her body. Two days thereafter, she lodged complaint stating that applicant had sexually assaulted her once. There is delay of one year in lodging the complaint. In initial complaint, no reference of sexual assault was there. Applicant is behind bar for more than one year and five months. Investigation is completed and charge-sheet has been filed. This Court (Coram : Bharati Dangre, J.), by order dated 3rd July 2020 has considered the issue that offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was involved and in the said order, bail was granted to the applicant therein. Considering the above facts, no further detention of applicant is required.

8. In view of above, I pass following order :

ORDER

- (i) Applicant be enlarged on bail in C. R. No.60 of 2022 registered at Neral Police Station, on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) Applicant shall not enter Bhandup area where the victim and her family members are residing and not tamper with the evidence or attempt to influence or contact the victim, complainant, witnesses or any person concerned with the case.

10. The application is allowed in the aforesaid terms and is accordingly disposed of.

11. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)