



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

BAIL APPLICATION NO. 2920 OF 2023

VINOD PARMATMA MISHRA

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR.

..RESPONDENTS

Adv. J.P. Mishra a/w Adv. Rohit Yadav for the Applicant.

Adv. Om Lonkar for Respondent No.2.

Mr. P. H. Gaikwad, APP for the State.

PSI Rahul Patil, Powai Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 04, 2023

P.C. :

- 1.** Heard learned counsel for the applicant, learned counsel for Respondent No.2 appointed through legal aid and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 354 and 354-D of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), registered on 08/02/2023 vide C.R. No.74 of 2023 with Powai Police Station, Mumbai.
- 3.** It is the case of the prosecution that the applicant has committed an act with the victim, who was 7 years of age

at the relevant time, which constitutes an offence under the aforesaid sections. The applicant was arrested on 08/02/2023 and is in custody for 10 months as an undertrial.

4. According to the learned counsel for the applicant, the victim's father was running a chit fund. There was some dispute between the applicant and the victim's father over payment of money. These are matters to be decided at the time of trial.

5. The application is vehemently opposed by the learned APP and learned counsel for respondent No.2. It is submitted that there is also an apprehension that the applicant may tamper with the prosecution witnesses if he is granted bail. It is pointed out that 2 N.Cs. have been already registered against the applicant. To counter this, learned counsel for the applicant submitted that the N.Cs. are registered so that the applicant should not be enlarged on bail. Learned counsel for the applicant further submitted that the applicant is ready and willing to stay outside the jurisdiction of the police station where the present offence is registered.

6. The investigation is complete and the charge-sheet has been filed. Considering that the applicant is in custody for a period of 10 months with the possibility of trial concluding any time soon appearing remote, I am inclined to enlarge the applicant on bail, in the facts and circumstances of the present case, by imposing certain stringent conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Vinod Parmatma Mishra in connection with C.R. No.74 of 2023 registered with Powai 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 shall attend the Investigating Officer of Powai police station once in three months, on every first Monday of the concerned month, between 11.00 a.m. and 1.00 p.m., commencing January 2024.
- (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 not contact, threaten or intimidate the victim/informant. If there is any attempt on the part of the applicant to contact, threaten or intimidate the victim/informant, the same shall be viewed seriously and shall invite the consequences of cancellation of this bail granted.

(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 the purpose of reporting to the Investigating Officer, the applicant shall not enter the jurisdiction of Powai police station 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.

7. The application is disposed of.

8. I appreciate the valuable assistance rendered by Advocate Om Lonkar, who appeared on behalf of respondent No.2 in this proceeding.

(M. S. KARNIK, J.)