

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3456 OF 2022

Sachin Uttam Sutar

.... Applicant

Versus

The State of Maharashtra and Anr.

.... Respondents

Ms. Sheetal N. Mhatre, Advocate for the Applicant.

Ms. P. N. Dabholkar, APP for Respondent-State.

Mr. Akash Giri, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 18th OCTOBER, 2023.

P.C. :

1. Leave to remove page No. 40.
2. By this Application, Applicant is seeking bail in C.R.No.182 of 2022 registered with Sion Police Station, Mumbai for the offences punishable under Sections 376, 376(2)(j) of Indian Penal Code, 1860 (for short "IPC") and under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act").
3. It is the prosecution's case that initially victim had filed complaint against Prakash Gujjar alleging that he had sexually assaulted her and due to the said sexual assault she got pregnant. Thereafter the said FIR was transferred to Thane Nagar Police as the incident was

happened in Thane. On 06.04.2022 police recorded statement of victim in the said statement victim has stated that Applicant had sexually assaulted.

4. It is the contention of learned Counsel for the Applicant that Applicant has been falsely implicated in this case. No date and day is mentioned about the sexual assault done by Applicant. At the time of incident victim was more than 17 years old but she did not tell the fact about the sexual assault to anyone. Applicant is behind bar more that one year five months. Hence, requested to allow the application.

5. Learned Counsel for Respondent No.2 submits that victim / complainant has no objection to allow the application.

6. Learned APP submitted that victim was sexually assaulted by the Applicant. There is *prima facie* case against the Applicant. Hence,requested to reject the application.

7. I have heard all learned Counsel. Perused the FIR and charge-sheet. Initially, victim had lodged complaint against Prakash Gujjar stating that he had sexually assaulted her because of the said act she got pregnant. Thereafter, in the statement before the police she has stated about the act done by Applicant. In the said statement, she has not stated when the incident happened. Victim is more than 17 years old. There is delay in lodging the FIR. Investigation is completed and charge-sheet has

been filed. Applicant is behind bar more than one year five months. Considering the above facts, further detention of the Applicant is not required.

8. In view of the above, I pass following Order:

ORDER

- (i) Applicant be enlarged on bail in C.R.No.182 of 2022 registered with Sion Police Station, Mumbai 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 tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

9. The Application is allowed in the aforesaid terms and is accordingly disposed off.

10. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

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

SONALI
SATISH
KILAJE

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by SONALI
SATISH KILAJE
Date:
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(SHIVKUMAR DIGE, J.)