

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

BAIL APPLICATION NO.1189 OF 2023

Saral Sunil Shinde

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Vikas Kolekar i/b Nehal Desale, for the Applicant.

Ms. Veera Shinde, APP, for the Respondent-State.

Mr. Onkar Wable, for Respondent No.2.

Mr. S.B. Kajrolkar, PSI-Mahad City Police Station, Dist.-Raigad, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 04th APRIL 2024

P. C.

1. Heard Mr. Kolekar, learned Counsel for the Applicant and Ms. Shinde, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C. R. No.	160 of 2022
2	Date of registration of F.I.R.	28/11/2022
3	Name of Police Station	Mahad City, District-Raigad
4	Section/s invoked	307, 341, 354-A(1)(ii), 354-D, 323, 504 & 506 of the <i>I.P.C., 1860</i> ; 12 & 18 of the <i>POCSO Act, 2012</i> .
5	Date of incident	28/11/2022
6	Date of arrest	29/11/2022
7	Date of filing Charge-sheet	10/01/2023

3. As per the prosecution case, the Applicant wanted to develop romantic relationship with the injured and as the injured was not responding to the same, the Applicant assaulted the injured with a broken beer bottle.

4. Mr. Kolekar, learned Counsel for the Applicant submitted that the Applicant is 20 years old and he is also a student. He pointed out the Order dated 12th January 2024 passed in this Bail Application and submitted that the evidence of the victim and her other friends is completed. He submitted that there are no antecedents against the Applicant and therefore the Applicant be enlarged on bail.

5. On the other hand, Ms. Shinde, learned APP and Mr. Wable, learned Counsel appointed to represent Respondent No.2 have strongly opposed the Bail Application. Both of them submitted that the Applicant had assaulted the injured with a broken beer bottle. Both of them therefore submitted that Bail Application be rejected.

6. This Court has passed the following Order on 12th January 2024:-

"1. Heard Mr. Kolekar, learned Counsel appearing for the Applicant, Mrs. Shinde, learned APP for the Respondent-State and Mr. Wable, learned Counsel appearing for Respondent No.2.

2. This is a regular Bail Application preferred under Section 439 of the Code of Criminal Procedure, 1973.

3. The crime has been registered against the present Applicant bearing C. R. No.160 of 2022 for the offence punishable under Sections 307, 341, 354A(1)(ii), 354-D, 323, 504, 506 of the Indian Penal Code, 1860 and Sections 12 and

18 of the POCSO Act, 2012.

4. It is the contention of learned Counsel appearing for the Applicant that the Applicant is a young man aged 20 years, he is a student and he has been incarcerated since 29th November 2022.

5. Mrs. Shinde, learned APP for the Respondent-State, submits that the charge is already framed. She states that an endeavour will be made to examine the victim and her other friends within one month.

6. For consideration of Bail Application, stand over to 16th February 2024."

7. Pursuant to the said Order, the oral depositions of the victim and her friend has been recorded.

8. The Applicant is residing at Kalyan, District-Thane and the incident in question took place at Mahad, District-Raigad. The victim's residence is at Mahad, District-Raigad.

9. The Applicant is a young man aged 20 years and he is a student.

10. Mr. Kolekar, learned Counsel for the Applicant states that as the victim as well as several witnesses are residing in Taluka-Mahad, District-Raigad, therefore the Applicant will not enter Taluka-Mahad, District-Raigad.

11. The Applicant does not have any criminal antecedents.

12. The Applicant does not appear to be at risk of flight.

13. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

14. In view thereof, the following order:-

ORDER

- (a) The Applicant-Saral Sunil Shinde be released on bail in connection with C.R. No.160 of 2022 registered with the Mahad City Police Station, District-Raigad on his furnishing P.R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.
- (b) The Applicant shall not enter Taluka-Mahad, District-Raigad after being released on bail, except for reporting to the Investigating Officer, if called.
- (c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall report to the Kolsheewadi Police Station, District-Thane once every week i.e. on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Kolsheewadi Police Station, District-Thane to communicate details thereof to the Investigating Officer.
- (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 such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

15. The Bail Application is disposed of accordingly.

16. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]