



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

BAIL APPLICATION NO. 1452 OF 2024

VAIBHAV SURESH MANE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA
AND ANR.

..RESPONDENTS

Adv. Nagesh Khedkar a/w Adv. Ashish Kumar Srivastava a.w
Adv. Prithviraj Deshmukh a/w Adv. Sampada Patil for the
Applicant.

Ms. Sangeeta D. Shinde, APP for the State.

Adv. Vrushali L. Maindad for Respondent No.2.

API Atul Shete, Pimpri Police Station.

CORAM : M. S. KARNIK, J.

DATE : APRIL 29, 2024

P.C. :

1. Heard learned counsel for the applicant, learned counsel for respondent No.2 and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under Sections 354, 452, 506 of the Indian Penal Code (IPC), Section 4(25) of the Arms Act and Section 8 of the Protection of Children from Sexual Offences Act, 2012 ("POCSO Act" for short), registered on 18/03/2022 vide C.R. No.161 of 2022 with Pimpri Police

Station, Pimpri-Chinchwad.

3. Learned APP as well as learned counsel for respondent No.2 vehemently opposed the application. It is submitted that there are as many as 6 C.Rs. registered against the applicant for bodily offence. One C.R. is registered for the offence under Section 302 of the IPC. The applicant has committed the present offence while on bail. The date of the alleged incident is 18/03/2022. The FIR is registered on the same day. It is alleged that the applicant during the occasion of Dhulivandan (Holi) festivities molested the first informant and her daughter. When the first informant's husband tried to intervene, the applicant slapped him.

4. Learned APP as well as learned counsel for respondent No.2 opposed the applicant and expressed apprehension as regards security concerns of the victims.

5. The applicant is now in custody for more than 2 years and 1 month. The minimum punishment for the offence under Section 8 of the POCSO Act is 3 years which may extend to 5 years along with fine. For the offence under Section 452 of the IPC, the punishment is of imprisonment

which may extend to 7 years. Considering that the applicant has already spent a period of 2 years in custody with no progress in the trial and only charge having been framed by the trial Court, I am inclined to enlarge the applicant on bail.

6. Considering the nature of the accusations and the manner in which the offence was committed, I was not inclined to enlarge the applicant on bail. It is just the factor of pre-trial custody period that prevailed upon me for the enlarging the applicant on bail. Considering the fact that there are as many as 6 criminal antecedents registered against the applicant including the offence under Section 302 of the IPC and the present offence is committed while the applicant is on bail in another offence as well as to allay the apprehension of the victims about the treat perception, I propose to impose stringent conditions while releasing the applicant on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant – Vaibhav Suresh Mane in

connection with C.R. No.161 of 2022 registered with Pimpri Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.

(c) Except for attending the trial in the present offence as well as in other offences, the applicant shall not enter Pune District after being released on bail, till the trial concludes. The applicant shall not enter the jurisdiction of the police station where the victims are residing when he attends trial.

(d) While residing outside Pune District, the applicant shall attend the Police Station, nearest to the place of his residence, once a week, i.e. on Monday, between 11.00 a.m. and 1.00 p.m.

(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) While residing outside Pune District, 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) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) Having regard to the criminal antecedents, if the victim/complainant applies for witness protection the same may be considered expeditiously and in accordance with law.

(i) If the applicant tries to threaten, intimidate or contact the victims or any of the witnesses, the prosecution and the complainant are at liberty to apply for cancellation of this bail which application shall undoubtedly be heard on priority.

(j) The applicant shall intimate the concern Investigating Officer as and when he is about to enter Pune District. The security concerns in such case shall obviously be addressed by the Investigating Officer.

7. The application is disposed of.

8. I appreciate the valuable assistance rendered by Adv. Vrushali L. Maindad who appeared on behalf of respondent No.2 in this proceeding. Her engagement may be regularized by the Maharashtra State Legal Services Authority and may be paid the fees prescribed.

(M. S. KARNIK, J.)