



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1511 OF 2023

Chandrakant Sukalal Dusane

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Abhishek Ulhas Arote i/b. Mr. Satyam H. Nimbalkar, for the Applicant
Ms. Veera Shinde, APP for the Respondent-State
Ms. Vilasini Subramanian, for the Respondent No.2

CORAM : MADHAV J. JAMDAR, J.

DATED : 16th JANUARY 2024

P. C.

1. Heard Mr. Arote, learned Counsel appearing for the Applicant, Ms. Shinde, learned APP appearing for the Respondent-State and Ms. Vilasini Subramanian, learned Counsel appearing for the Respondent No.2.

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.	345 of 2022
2.	Date of Registration of F.I.R.	16/06/2022
3.	Name of Police Station	Malegaon Taluka Police Station, District-Nashik.

4.	Section/s & Act/s invoked	354 & 354A of I.P.C.,1860 8 & 12 of POCSO Act, 2012
5.	Date of Incident	16/06/2022
6.	Date of Arrest	17/06/2022
7.	Date of filing Charge-sheet	12/08/2023

3. The Informant is the mother of the victim. The incident occurred at around 6.00 p.m. on 16th June 2022. At that time, the Informant's husband had gone to the field, and she was in the house along with her 3 daughters.

4. The victim is a child with special needs aged 13 years and 3 months. It is the prosecution case that the Informant told one of her daughter aged 12 years that she would be going to the neighbour's house and therefore, told her to look after the victim. The said daughter went inside the house for fetching water and at that time, the Applicant molested the victim.

5. It is the contention of learned Counsel appearing for the Applicant that the Applicant and the family of the victim are neighbours for several years. There was a previous Complaint Application dated 6th June 2022 (N.C.) lodged by the son of the Applicant with the Police Inspector of Malegaon Taluka Police

Station, as some unknown persons had poisoned the cattle of the Applicant as a result of which the cattle had succumbed. It is the contention of the learned Counsel appearing for the Applicant that therefore, the false F.I.R. has been lodged on 16th June 2022 against the Applicant. He submitted that the victim has been examined on 22nd July 2022 i.e. after about 1 month and 6 days of the filing of the F.I.R.. Learned Counsel appearing for the Applicant pointed out 'Spot Panchnama' and submitted that the family of the victim and the Applicant are neighbours. The incident in question had occurred outside the house of the victim and there is a main road leading to the bus stand in front of the house of the victim. He submitted that on the other side of the said road, there is a Zilla Parishad School. It is his submission that therefore, the alleged incident had occurred in an open place and therefore, the same is false. He submitted that the Applicant is about 55 years old and has been arrested on 17th June 2022. Charge-sheet has been filed on 12th August 2022. It is his submission that the Applicant has been falsely implicated.

6. On the other hand, Ms. Shinde, learned APP strongly opposes the Application. She submits that the victim is a special child. She relied on statement of the Informant i.e. mother of the victim as well

as of the victim recorded under Section 164 of the Code of Criminal Procedure, 1973. She pointed out the Medical Certificate where, there is reference of multiple wounds, scars over the right and left breast region.

7. Ms. Subramanian, learned Counsel appointed for Respondent No.2 submitted that as far as N.C./Complaint dated 6th June 2022 is concerned, the same is against unknown persons. She submitted that the submissions regarding Medical Certificate can be considered at the stage of trial. She submitted that other independent witnesses are there and relied on the statement of neighbours. She also relied on the statement of the victim.

8. In the present case, the Applicant is behind bar since 17th June 2022 i.e. almost more than 1 year and 7 months. The Charge-sheet has been filed on 12th August 2022. There are 6 witnesses. The Applicant is about 55 years old.

9. The trial is unlikely to conclude any time soon and is likely to take a considerably long time. The Applicant does not have any criminal antecedents.

10. Mr. Arote, learned Counsel appearing for the Applicant states that as several witnesses are residing in the same locality as that of

the Applicant, the Applicant will therefore not reside within village Dongarale, Taluka Malegaon, District Nashik and that the Applicant will reside at C/o. Nitin Dattatray Thorat, Flat No.13, Viraj Park Apartment, Dharmaji Colony, Near Goldy Company, Shivaji Nagar, Nashik, 422012, District-Nashik.

11. The Applicant does not appear to be at 'flight risk'.
12. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

(a) The Applicant-Chandrakant Sukalal Dusane be released on bail in connection with C.R. No.345 of 2022 registered with the Malegaon Taluka Police Station, Taluka- Malegaon, District- Nashik on his furnishing P. R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(b) The Applicant shall not enter the Nashik District after being released on bail, except for reporting to the Investigating Officer, if called and for attending the trial.

(c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to

the Investigating Officer while residing outside Nashik District and shall keep the same updated, in case there is any change.

(d) The Applicant shall report to the Satpur Police Station, District-Nashik once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Satpur Police Station, District-Nashik 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 any Police personnel.

(f) The Applicant shall not tamper with the evidence and shall not contact or influence the complainant or any witnesses 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.

13. The Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]