

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

CRIMINAL BAIL APPLICATION NO. 1456 OF 2023

Santosh Govind Tembhe	...Applicant
<i>Versus</i>	
The State of Maharashtra & Anr.	...Respondents

Mr. Anil G. Lalla a/w Mr. Aryan K. Kotwal i/by Lalla & Lalla
for Applicant

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

Mr. Ajinkya Udane i/by Ms. Priyanka Chavan for Respondent No.
2, appointed by the Legal Aid.

**CORAM: MADHAV J. JAMDAR, J.
DATE: 19th JANUARY 2024**

P. C.

1. Heard Mr. Lalla, learned Counsel appearing for the Applicant, Ms. Shinde, learned APP appearing for the Respondent-State and Mr. Udane, learned Counsel appearing for 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.	350 of 2022
2.	Date of Registration of F.I.R.	06 December 2022
3.	Name of Police Station	Mangaon Police Station Raigad District
4.	Sections Applied	Sections 376(2)(n), 506, of I.P.C., 1860, Sections 4 and 8 of POCSO Act, 2012

5.	Date of Incident	29 November 2022
6.	Date of Arrest	07 December 2022
7.	Date of filing of Charge-sheet	29 December 2022

3. As per the prosecution case, the Applicant has committed sexual assault on the victim. It is submitted by the learned Counsel appearing for the Applicant that the Applicant has been arrested on 17th December 2022. Although the Charge-sheet is filed, there is no progress in the trial and even the Charge is not framed yet. He further submitted that in fact the Applicant was in a consensual relationship with the victim.

4. Ms. Shinde, learned APP appearing for the State and Mr. Udane, learned Counsel appearing for the Respondent No. 2 stated that there is sufficient material on record which shows involvement of the Applicant in the crime.

5. *Prima facie* there is substance in the contentions raised by the Applicant.

6. The Charge-sheet has been filed on 29th December 2022 and there are about 19 witnesses as per the Charge-sheet. Even the Charge is also not framed till date. The trial is likely to take a considerably long time.

7. Mr. Lalla, learned Counsel appearing for the Applicant states that as several witnesses are residing at Mangaon Taluka, Raigad District, the Applicant will therefore not reside within

Raigad District and that the Applicant will reside in Mumbai at Room No. 112, Mahatma Gandhi Nagar, C.G.S. Colony, Sector-3, Antop Hill, Mumbai-400 037.

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

9. Accordingly, the Applicant can be enlarged on bail by imposing conditions. Hence, the following order:-

ORDER

(a) The Applicant-Santosh Govind Tembhe be released on bail in connection with C. R. No. 350 of 2022, registered at the Mangaon Police Station, District Raigad, 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 Raigad 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 the Raigad District and shall keep the same updated, in case there is any change.

(d) The Applicant shall report to the Antop Hill Police Station, District-Mumbai City once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the

conclusion of trial. The Police Inspector of Antop Hill Police Station, District Mumbai City to communicate details thereof to the Investigating Officer.

(e) The Applicant shall not directly or indirectly make any inducement, threat or promise or 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 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.

10. The Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]

Note : Corrected as per Speaking to Minutes of Order dtd. 2nd February 2024.

BHALCHANDRA
GOPAL
DUSANE

Digitally signed by
BHALCHANDRA
GOPAL DUSANE
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