

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2439 OF 2023**

Anand Vasant Goral

...Applicant

Versus

State of Maharashtra & Anr.

...Respondents

Mr. Satyavrat Joshi i/b Samay Pawar, for the Applicant.

Ms. Veera Shinde, APP, for the Respondent No.1-State.

Ms. Preshita Parab, for Respondent No.2.

CORAM : MADHAV J. JAMDAR, J.**DATED : FEBRUARY 29, 2024****P.C.:**

1. Heard Mr. Joshi, learned Counsel appearing for the Applicant, Ms. Shinde, learned APP appearing for the Respondent No.1-State and Ms. Parab, 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.	119 of 2023
2	Date of registration of F.I.R.	13/04/2023
3	Name of Police Station	Chandgad Police Station, District-Kolhapur
4	Section/s invoked	376(2)(f), 376(2)(j) & 506 of <i>I.P.C., 1860</i> ; 4, 8 & 12 of the POCSO Act, 2012
5	Date of incident	13/12/2022-10/01/2023

6	Date of arrest	14/04/2023
7	Date of filing Charge-sheet	03/06/2023

3. As per the prosecution case, the Applicant and the victim are relatives.

4. Mr. Joshi, learned Counsel appearing for the Applicant submitted that the material on record shows that the relationship between the Applicant and the victim was consensual. He submitted that in any case, investigation is completed and Charge-sheet is filed.

5. On the other hand, Ms. Shinde, learned APP and Ms. Parab, learned Counsel appearing for Respondent No.2 submitted that the Applicant is married and in spite of this he entered into a sexual relationship with victim, who is aged 16 years and 8 months and therefore the Bail Application be rejected.

6. It is an admitted position that the investigation has been completed and that the Charge-sheet has been filed on 3rd June 2023. As per the Charge-sheet, there are 22 witnesses proposed to be examined by the prosecution. As far as the progress of the trial is concerned, the charge is framed and there is no further progress in the trial. The trial is likely to take a considerably long time. *Prima facie*, there is substance in the contention that the relationship between the Applicant and the victim was consensual.

- 7.** Mr. Joshi, learned Counsel appearing for the Applicant states that as several witnesses are from Taluka-Chandgad, District-Kolhapur, the Applicant will therefore not reside within District-Kolhapur and that the Applicant will reside at C/o. Sachin Dinkar More, S. No.176/1/5, Chaudhary Park Police Line, H. No.599, Mirajkar Cly., Wakad, Pune.
- 8.** The Applicant does not have any criminal antecedents.
- 9.** The Applicant does not appear to be at risk of flight.
- 10.** Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant-Anand Vasant Goral be released on bail in connection with C.R. No.119 of 2023 registered with the Chandgad Police Station, District-Kolhapur 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 District-Kolhapur 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 and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall report to the Wakad Police Station, District-Pune 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 Wakad Police Station, District-Pune 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.

11. The Bail Application is disposed of accordingly.

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

13. This Court places on record the appreciation for the assistance rendered by Ms. Preshita Parab, learned Counsel appointed to represent the interests of the Respondent No.2. Professional charges be paid to her as per rules and her name be included on the Panel of Advocates of the High Court Legal Services Committee, Mumbai.

[MADHAV J. JAMDAR, J.]