



Diksha Rane

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

BAIL APPLICATION NO.2860 OF 2023

PARASARAM DIPARAM CHAUDHARY
@ PARSHURAM DIPARAM CHAUDHARY ..APPLICANT

VS.

THE STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

Adv. P. R. Dave a/w. Adv. Ashok Singh, Adv. Pravin Singh,
Adv. Anish Jadhav for the applicant.

Mr. S. A. Karmakar, APP for the State.

Adv. Sanjay T. Raikar for the respondent no.2 (victim).

PI Samadhan Wagh, EOW, Mumbai.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 15, 2024.

P.C. :

1. Heard learned counsel for the applicant.
2. This is the second bail application in respect of the offence punishable under Sections 377, 506 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 4, 8 of the Protection of Children from Sexual Offences Act, 2012 (hereafter 'the POCSO Act' for short) registered on 8/3/2022 vide C.R. No.183/2022 with Dindoshi Police Station, Mumbai.

3. The application is opposed by learned APP and learned counsel for the respondent no.2.

4. It is submitted by learned APP and learned counsel for the respondent no.2 that the accusation against the applicant, who is 22 years old, is serious. The accusation against the applicant is that he has committed an act which constitutes the offence under the aforesaid sections in respect of the daughter of the complainant, who was four and half years of age.

5. Learned counsel for the applicant submitted that the applicant and the complainant are residing in the same chawl and their relations are strained. It is further submitted that there are discrepancies in the version of the complainant as to whether the offence was committed in the morning at 11.30 a.m. or at night, at about 11.30 p.m. It is further submitted that before the trial Court the complainant had filed an affidavit that she has no objection if the applicant is enlarged on bail. However, before this Court learned counsel representing the complainant has opposed the application for bail.

6. This is a second bail application. The application for

bail earlier filed was allowed to be withdrawn on 23/2/2023 with liberty to apply for bail after six months. I am informed that for this period of one year since the application was allowed to be withdrawn, there has been no progress in the trial. The charge is not yet framed. The trial is unlikely to conclude soon. The applicant was arrested on 8/3/2022 and is in custody for more than one year and ten months.

7. Learned counsel for the applicant submitted that the applicant is willing to reside outside the area of Mumbai/Mumbai Suburban District till the trial concludes. It is further submitted on instructions that the applicant will reside in Thane District.

8. In the facts and circumstances of the present case, considering that the investigation is complete and the charge-sheet has been filed, as the applicant is in custody for more than one year and ten months with no possibility of the trial concluding any time soon even after the first bail application filed before this Court was disposed of as far back as on 23/2/2023, I am inclined to enlarge the applicant on bail as any further incarceration of the applicant will be by way of a pre-trial punishment. There are no criminal

antecedents reported against the applicant. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Parsaram Diparam Chaudhary @ Parshuram Diparam Chaudhary in connection with C.R. No.183/2022 registered with Dindoshi Police Station, Mumbai, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Dindoshi Police Station once in three months on the 1st Monday between 11.00 a.m. and 1.00 p.m. till further orders of the trial Court, commencing from March, 2024.
- (d) 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.
- (e) On being released on bail, the applicant shall furnish his contact number and residential address to

the Investigating Officer as well as to the trial Court and shall keep them updated, in case there is any change.

(f) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the Mumbai/Mumbai Suburban District, after being released on bail, till the trial concludes.

(g) The applicant shall attend the trial regularly.

(h) The applicant shall surrender his passport to the investigating officer.

9. The application is disposed of.

(M. S. KARNIK, J.)