



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

BAIL APPLICATION NO. 2890 OF 2023

YOGESH BALU GHODERAU

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR.

..RESPONDENTS

Adv. Pratik Kalantri for the Applicant.

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

Ms. Vilasini Balasubramaniam for Respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 8, 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 354, 354-A, 323, 504, 506 and 34 of the Indian Penal Code and Sections 7, 8, 11 and 12 The Protection of Children from Sexual Offences Act, 2012, registered on 03/06/2023 vide C.R. No.251 of 2023 with Manmad City Police Station.

3. The applicant had earlier filed Bail Application No. 2278 of 2023 before this Court which came to be withdrawn

on 08/09/2023 with the liberty to approach the trial Court as the charge-sheet had been filed by then.

4. The complaint was initially made at Pune by the victim on 02/06/2023 which was later transferred to Manmad City Police Station and the FIR came to be registered on 03/06/2023. The applicant came to be arrested on 08/07/2023. The applicant is the maternal uncle of the victim.

5. The victim has been residing with her grandmother since her childhood. Even the accused who is the victim's maternal uncle was residing along with the grandmother. The victim alleged that 6 months prior to the registration of the FIR, the applicant misbehaved with her and committed the act which constituted an offence under the aforesaid Sections. The victim complained to the wife of the applicant. However, instead of reprimanding the applicant, her aunt threatened the victim not to disclose the incident. The victim, thereafter, started residing with her mother in Pune. The victim was in a disturbed state of mind. After being asked the reason for her disturbed state of mind, she

narrated the trauma faced by her whereafter the present FIR came to be lodged.

6. The application was opposed by the learned APP and learned counsel for respondent No.2. It is submitted that the offence is serious and there is no reason to doubt the version of the victim who was just 15 years of age at the relevant time. It is further submitted that the applicant is the victim's maternal uncle and therefore, the application be rejected.

7. The applicant is in custody since 08/07/2023 i.e. for more than 7 months. The trial is not likely to conclude any time soon. In the facts and circumstances of the present case, considering that the charge-sheet is filed and the investigation is complete, I am inclined to enlarge the applicant on bail. The applicant is in pre-trial custody for more than 7 months. To allay the apprehension that the applicant may tamper with the evidence or threaten the victim, I propose to impose stringent conditions. Learned counsel for the applicant, on instructions, states that the applicant will not enter the area of Pune District where the

victim is presently residing, till the conclusion of the trial.

The statement is accepted. Hence, the following order:-

ORDER

- a.** The application is allowed.
- b.** The applicant- Yogesh Balu Ghoderao in connection with C.R. No.251 of 2023 registered with Manmad City Police Station shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- c.** The applicant shall attend the Investigating Officer of Manmad City police station once in three months, the first Monday of the concerned month, between 11.00 a.m. and 1.00 p.m.
- 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.** The applicant shall not contact, threaten or intimidate the victim.
- f.** On being released on bail, 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 not enter Pune District after

being released on bail, till the trial concludes.

h. The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

8. The application is disposed of.

9. I appreciate the valuable assistance rendered by Advocate Vilasini Balasubramaniam, who appeared on behalf of respondent No.2 in this proceeding.

(M. S. KARNIK, J.)