

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

BAIL APPLICATION NO. 4064 OF 2023

Pravin Yashwant Nikam

.Applicant

Versus

The State of Maharashtra & anr.

.Respondents

Mr. Vinaykumar Khatu a/w. Ms. Shrutika Pilke & Ms. Sneha Thakre,
Advocates for the Applicant.

Mr. Shriram S. Chaudhari, APP, for Respondent No.1 – State.

Ms. Leena Patil, Advocate, for Respondent No. 2.

CORAM:MADHAV J. JAMDAR, J.

DATE :04.03.2024

P. C.

1. Heard Mr. Khatu, learned Counsel appearing for the Applicant, Mr. Chaudhari, learned APP appearing for Respondent No.1 - State and Ms. Patil, 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.	131 of 2018
2.	Date of registration of F.I.R.	15.10.2018
3.	Name of Police Station	Mahad City Police Station, District – Raigad
4.	Sections invoked	370, 376(2)(j)(n), 354A r/w. Section 34 of the I.P.C., 1860; 4, & 8 of the P.O.C.S.O. Act, 2012;

		4 & 5 of the IT(P) Act, 1956;
5.	Date of incident	1 year prior to F.I.R.
6.	Date of arrest	15.10.2018
7.	Date of filing of Charge-sheet	13.12.2018

3. Mr. Khatu, learned Counsel appearing for the Applicant submitted that the Applicant is a senior citizen aged 61 years. There are eight Accused and except the Applicant, other Accused have been released on bail. He submitted that although few witnesses have been examined, the trial will take considerable time to conclude.

4. On the other hand, Mr. Chaudhari, learned APP appearing for Respondent No.1 and Ms. Patil, learned Counsel appearing for Respondent No.2 submitted that the offences are *inter alia* under the *Protection of Children from Sexual Offences Act, 2012* and the *Immoral Traffic (Prevention) Act, 1956*. There is material against the Applicant as the D.N.A. sample has a positive match with the foetus. The Applicant's role is that he maintained a physical relationship with the victim and also acted as agent.

5. A perusal of the record shows that the F.I.R. was registered on 15.10.2018. Charge-sheet has been filed on 13.12.2018. Although 5 years and 5 months have passed after arrest of the Applicant, the trial is not concluded yet. Although some witnesses have been examined, still the trial will likely take a considerably long time to conclude. The

Applicant is 61 years old, and except the Applicant, all other Accused have been enlarged on bail. The Applicant is incarcerated since 5 years and 5 months.

6. The trial is likely to take a considerably long time.
7. The Applicant does not have any criminal antecedents.
8. The Applicant does not appear to be at risk of flight.
9. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant - Pravin Yashwant Nikam be released on bail in connection with C. R. No.131 of 2018 registered with the Mahad 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) 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.
- (c) The Applicant shall report to the Mahad Police Station, District – Raigad on the first Monday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.
- (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 such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

10. The Bail Application is disposed of accordingly.

11. It is clarified that the observations made herein are *prima facie* and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]