

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

CRIMINAL BAIL APPLICATION NO. 2450 OF 2024

Vikram Shankar Potdar

...Applicant

Vs.

The State of Maharashtra and Others

...Respondents

Mr. Bharat Gadhari with Pratik Sabrad with Mr. Sarvesh Deshpande
i/b Shama Mulla, Advocate for Applicant.

Mrs. G. P. Mulekar, APP for State-Respondent.

Mr. Vikrant Shinde, Advocate for Respondent No. 2.

Mr. Saheba Pote, API, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 18th NOVEMBER, 2024

PC:-

1) Heard.

2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 208 of 2019 registered with Vimantal Police Station, Pune for the offences punishable under Sections 354, 354A and 506 of the Indian Penal Code, 1860 and Sections 8, 9(c)(f), 10, 16, 17 and 21 of the Protection of Children From Sexual Offences Act, 2012.

3) It is pointed out that the applicant was arrested on 16th May, 2019, which shows that the applicant is in jail from last about five years

and half month. As far as the trial is concerned, the charge is not framed despite the mandate of Section 35 of POCSO Act, 2012. The maximum punishment in the present matter will be seven years. Thus, considering the maximum punishment it can be said that the applicant is in jail for the substantive period.

4) In the circumstances, as there is no likelihood that the trial will be concluded in near future or in other words there is no end of trial in sight in light of the judgment of the Hon'ble Supreme Court of India in the case of Sheikh Javed Iqbal @ Ashraq Ansari @ Javed Ansari Vs. State of Uttar Pradesh¹, I am of the opinion that the applicant is entitled for grant bail.

5) The learned APP while opposing the application has argued that if the applicant is released on bail, he may pressurise the victim or the prosecution witnesses.

6) In reply to the same, the learned Counsel of the applicant, on instructions, makes a statement that the applicant is ready to abide by any condition including not to enter into Pune City till the conclusion of the trial.

7) In the circumstances, though the learned APP and the learned Counsel for the victim-respondent No. 2 have opposed the application, I pass the following order.

ORDER

(i) The Bail Application is allowed;

(ii) It is directed that the Applicant shall be released on bail in Crime No. 208 of 2019 registered with Vimantal Police Station, Pune for the offences punishable under Sections 354,

354A and 506 of the Indian Penal Code, 1860 and Sections 8, 9(c)(f), 10, 16, 17 and 21 of the Protection of Children From Sexual Offences Act, 2012, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

iii The applicant shall not enter into the territorial jurisdiction of Pune City till the conclusion of the trial except on the date of trial;

iv. The applicant shall provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on 1st and 16th day of every month between 10.00 am to 11.00 am, till the conclusion of the trial except on the date of trial;

v. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

vi. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;

vii. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

viii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]