

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2601 OF 2024

Ganesh Krushna Bhosale	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr. Amit Icham, for the applicant.

Ms. Savita Yadav, APP, for the Respondent / State.

Mr. Nitin Gaware Patil, for respondent no. 2. through legal aid.

CORAM : ANIL S. KILOR, J.

DATE : 21ST 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.494 of 2020, registered with Vadgaon Maval Police Station, Pune, for the offences punishable under Sections 376(2)(i)(n), 323, 504, 506 of the Indian Penal Code and Sections 5(L), 6, 9(L) and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. Having gone through the charge-sheet and the relevant material collected by the IO during the investigation, it is evident that the complaint was lodged after 3 months of the first incident. No doubt

in such matters the delay is not relevant and material. However, considering the fact that there is a specific allegation that the complaint was not made because of threats given by the applicant to the victim that her obscene videos and photographs would be made viral, a specific query is put to the learned APP about any panchnama or report in relation to such obscene videos and photographs if any found in the mobile of the applicant and as allegedly recorded by the applicant, the learned APP fairly states that there is no such material available on record to show that in the mobile phone of the applicant any such photographs and videos were found.

4. Prima facie, further it appears that there was a love affair between the applicant and the victim and even there is a reference to the same in the complaint, by the victim.

5. In the above referred backdrop, further considering the fact that the applicant is in jail from last about 4 years and there is no progress in trial despite the mandate of section 35 of the POCSO, Act, there is unlikelihood that the trial will be concluded in near future.

6. In the above referred backdrop, though the The learned APP and the learned counsel for the respondent no. 2 while opposing the application, have expressed an apprehension that if the applicant is released on bail he may pressurise the prosecution witnesses or tamper with the prosecution evidence. I am of the opinion that the said apprehensions can be addressed by imposing certain stringent conditions.

7. At this stage, the learned counsel for the applicant, on

instructions, submits that the applicant is ready to abide by any conditions, including the condition not to enter into Tal-Vadgaon Maval, till the conclusion of the trial;

8. In the circumstance, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on bail in Crime No.494 of 2020, registered with Vadgaon Maval Police Station, Pune, for the offences punishable under Sections 376(2)(i)(n), 323, 504, 506 of the Indian Penal Code and Sections 5(L), 6, 9(L) and 12 of the Protection of Children from Sexual Offences Act, 2012, on furnishing P.R.Bond of Rupees Twenty-Five Thousand with one local surety in the like amount;
- iii) The applicant shall not enter into the territorial jurisdiction of Tal-Vadgaon Maval, till the conclusion of the trial;
- iv) The applicant shall provide his address and name of the nearby police station to the IO, which he shall attend the said Police Station on 1st day of every month between 10.00a.m. to 11.00 a.m., 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 for 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 exemption is granted by the trial Court.

9. The application is disposed of .

10. Fees of the advocate appointed to represent the respondent no. 2 be quantified as per the rules.

(ANIL S. KILOR, J)