

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4465 OF 2024

Bhimrao R. Tupsamudre

...Applicant

V/s.

The State of Maharashtra & Anr.

...Respondents.

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Ms Aishwarya Kantawala i/b Ms Diya Jayan for the Applicant.

Mrs. Veera Shinde, APP for the Respondent/State.

Ms Deepali Bagla, Appointed Advocate for Respondent No.2.

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CORAM : N.R. BORKAR, J.
DATE : 06.03.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.133 of 2024 registered at Hinjawadi Police Station, Pune for the offences punishable under Section 354 of the Indian Penal Code and Sections 8 and 10 of the Protection of Children from Sexual Offences Act.
3. The daughter of the applicant who was aged about four years and the victim who was aged about five years were friends. The victim thus used to go to the house of the applicant to play with the daughter of the applicant. It is alleged that on the date of incident which took place on 01.02.2024 while the victim was playing at the house of the applicant, at that time, he touched her private parts.
4. I have heard the learned counsel for the applicant, the

learned APP for the respondent – State and the learned appointed advocate for the respondent No.2/victim.

5. The learned counsel for the applicant submits that due to certain dispute between the family of the victim and the family of the applicant false report came to be lodged against the applicant. It is submitted that the applicant is in jail for one year and the trial has not commenced. It is submitted that maximum punishment for the alleged offences is five years.

6. On the other hand, the learned APP for the respondent/State and the learned counsel for the respondent No.2/victim submits that considering the nature of crime, the applicant may not be released on bail.

7. The applicant is in jail for more than one year and the trial has not commenced. The maximum punishment for the alleged offences is five years. There are no other criminal antecedents against the applicant. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 133 of 2024 registered at Hinjawadi Police Station, Pune for the

offences punishable under Section 354 of the Indian Penal Code and Sections 8 and 10 of the Protection of Children from Sexual Offences Act on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

[N.R.BORKAR, J.]