

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3145 OF 2024
IN
BAIL APPLICATION NO. 2444 OF 2023

Bhagavati Prasad Sharma

... Applicant

Versus

State of Maharashtra and Anr.

... Respondents

.....

Mr. Sandeep Karnik a/w. Mr. Vishwajeet Nimbalkar, Advocates for the Applicant.

Mr. Sameer M. Mangaonkar, APP for the State.

API – Mr. Vijay Chandan, Vimantal Police Station, Pune City present.

CORAM : SHIVKUMAR DIGE, J.

DATED : 4th FEBRUARY, 2025.

P.C. :

1. By this application, applicant is seeking modification of the bail condition of the order passed by this Court (Coram : M.S.Karnik, J.) dated 31.10.2023.

2. Learned counsel for the applicant submitted that by the said bail order this Court has imposed condition No.4(d) on the applicant that “The applicant shall attend the investigating officer of Vimantal (Airport) police station, Pune once in two months on first Monday of every alternate month between 11.00 a.m. and 1.00 p.m. commencing from November 2023” and condition No. 4(g) “Except for attending the trial and for the purpose of reporting to the investigating officer or for the purpose of POSH enquiry or any other departmental enquiry, the applicant shall not enter

the Pune District after being released on bail, till the trial concludes.” Learned counsel for the applicant submits that investigation is completed and charge-sheet has been filed against the applicant, yet trial has not been commenced. Applicant’s family stays in Pune, he wants to stay with his family, hence requested to allow the application.

3. Learned APP strongly objected to allow the application on the ground that at the time of incident victim was 16 years old. The applicant was Assistant Teacher and he had outraged her modesty. If bail conditions are relaxed, applicant may threaten the victim and prosecution witnesses, hence requested to reject the application.

4. I have heard both the learned counsel. The charges leveled against the applicant are outraging the modesty of the victim. The applicant’s family stays in Pune. He wants to stay with his family. Investigation is completed and charge-sheet has been filed. Considering these facts, I pass following order:

ORDER

(i) Application is allowed.

(ii) Condition Nos. 4(d) and 4(g) of the Order dated 31.10.2023 are relaxed.

5. Interim application is disposed of.

(SHIVKUMAR DIGE, J.)