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

Criminal Bail Application No.934 of 2025

Datta Bharat Chavan

Age: 33 years,

R/at: Laxmi Nagar,

Near Vishranti Vada,

Vadgaon Road, Alandi, Pune

(At present lodged in Yerwada

Central Prison, Pune)

... Applicant

versus

1. The State of Maharashtra

(At the instance of the P.I.

Dighi Police Station, Pune.)

2. XYZ (Father of Victim)

Age 38 years,

R/at Serial No.18/2. Saipuja Homes,

Flat No.101, Runwal Park, Dighi, Pune

Copy to be served to Investigating Officer

... Respondents

Mr Amit Icham, along with Mr Chaitanya Purankar, for the applicant.

Mr Arfan Sait, APP, for respondent No.1/State.

PSI SG Ranaware, Dighi Police Station, Pimpri Chinchwad, is present.

Coram: R.N. Laddha, J.

Date: 8 April 2025.

P.C.:

By this successive application, the applicant seeks bail in connection with CR No.313 of 2023, registered at Dighi Police Station, Pimpri-Chinchwad, for the offences punishable under Sections 354-A and 354-D of the Indian Penal Code and Sections 11 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The informant reported to the police that on 12 July 2023, an unknown individual approached the victim under the false pretence of asking for directions and proceeded to show her obscene videos. When the victim screamed for help and ran inside a nearby house, the suspect quickly fled the scene. Later, on 19 July 2023, the same individual followed the victim as she left school. Frightened, the victim telephoned her uncle from a nearby store. When the stranger realised that she had spotted him, he quickly ran away. After waiting at the shop for a while, the victim finally headed home once her grandfather arrived. After the victim shared her traumatic experience with the informant and her uncle, they headed to the police station to file a complaint. There, the informant discovered that another girl had encountered similar harassment, and that girl's mother

had even taken a photograph of the offender. When the victim was shown the picture, she recognised the applicant as the person who had harassed and stalked her on 12 July 2023 and 19 July 2023.

3. Mr Amit Icham, the learned Counsel appearing on behalf of the applicant, submits that the applicant has been falsely implicated in the crime and has been in custody since 25 July 2023. He contends that there is no justification for the applicant's continued detention, as the investigation has concluded and a charge sheet has already been filed. Mr Icham highlights that there has been limited progress in the trial proceedings. He further asserts that the applicant poses no risk of flight, and there are no concerns regarding potential tampering with evidence or influencing witnesses if the applicant is granted bail.

4. Mr Arfan Sait, the learned Additional Public Prosecutor representing respondent No.1/ State, opposing the applicant's request, contends that the victim was only twelve years old when the incident occurred. The applicant engaged in inappropriate behaviour with the victim by showing her indecent videos and subsequently stalking her after school. The learned APP highlights that the applicant has criminal

antecedents of a similar nature, where he employed the same tactics to harass a nine-year-old child. He points out that the trial has been expedited; however, the trial could not proceed due to non-cooperation by the accused. Mr Sait, emphasising the gravity of the offence, submits that there is a possibility of the applicant tampering with the evidence and influencing prosecution witnesses if released on bail.

5. This Court has considered the rival submissions canvassed across the Bar.

6. Upon reviewing the records, it appears that the crux of the allegations against the applicant involves his attempts to approach the victim under the pretext of asking for directions, during which he showed her inappropriate videos and subsequently stalked her. The records indicate that the victim was just twelve years old during the incidents, and the applicant was identified during the Test Identification Parade. There appears no apparent reason to implicate the applicant falsely. Moreover, the applicant has criminal antecedents documented at the same police station (CR No.314 of 2023), where he employed the same *modus operandi* to harass another victim who was only nine years old. The applicant had previously approached this Court seeking his release on bail vide Bail

Application No.4002 of 2023, which was withdrawn on 22 November 2024. Apart from the delays in trial proceedings, no new circumstances have been pleaded in the present application. In this context, a perusal of the trial Court's roznama would reveal that the trial was expedited on 29 November 2023, yet the accused's advocate was absent on multiple occasions. Given the serious nature of the offence, the criminal antecedents of the similar nature, and that the trial has progressed to the evidence recording stage, this Court is not inclined to exercise its discretion in favour of the applicant. As a result, the application stands rejected.

(R.N. Laddha, J.)