

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

CRIMINAL BAIL APPLICATION NO. 3222 OF 2018

Kiran Rambhau Gaikwad ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Suresh M. Sabrad a/w Neha R. Parte for Applicant.
Smt. Rutuja Ambekar, APP for Respondent – State.

CORAM : NITIN W. SAMBRE, J.
DATE : JANUARY 28, 2019.

P.C. :

. In Crime No. 67 of 2018 for an offence punishable under Sections 354, 354-D, 452, 324, 504 & 506 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, the Applicant is seeking regular bail. After arrest the Applicant came to be chargesheeted. Perused the investigation papers and the contents in the chargesheet.

2. Though the prayer for bail is opposed by the learned APP on the ground that the claim of the Applicant cannot be treated at par with

that of co-accused Nilesh Somnath Tumbade and others in Bail Application No. 2737 of 2018 decided on 18th December 2018, in my opinion, the said contention even if are accepted to be correct, still in my opinion the Applicant deserves to be released on bail.

3. Satisfaction of the ingredients of Sections 3 and 4 of Protection of Children from Sexual Offences Act cannot be inferred upon plain reading of the statement of the victim and the other witnesses. So far as the offence under other sections of Indian Penal Code are concerned, considering maximum punishment provided and absence of criminal antecedents, in my opinion, a case for grant of bail is made out. Hence, the following order.

ORDER

(A) The Applicant be released on bail in Crime No. 67 of 2018 for an offence punishable under Sections 354, 354-D, 452, 324, 504 & 506 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act on executing PR Bond of Rs.25,000/- with one or more sureties in the like amount.

(B) The Applicant shall neither tamper the evidence of prosecution nor influence the prosecution witnesses.

4. Criminal Bail Application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)