

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

BAIL APPLICATION NO. 1118 OF 2019

Popat Vasant Karkud Applicant
v/s.
The State of Maharashtra and anr. Respondents

Mr. Siddheshwar Biradar for the Applicant.
Mr. S.V. Gavand, APP for the State.
Ms. Shraddha Sawant for Respondent No.2.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 15th JULY, 2021.

P. C. :-

. This is an Application filed under Section 439 of Cr.P.C. filed by the aforesaid Applicant who is facing trial in Special Case No.113/2018 for offences punishable under Sections 363, 376 of the Indian Penal Code (IPC) and Sections 3 and 4 of Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. Heard Mr. Siddheshwar Biradar, learned counsel for the Applicant and Mr. S.V. Gavand, learned APP for the State.

3. The case of the prosecution is that the Applicant had kidnapped the minor daughter of the first informant and that he had sexual

intercourse with her. The Applicant is in custody since 12/12/2017. The charge was framed in April, 2018 and the trial has still not commenced and is not likely to commence immediately due to COVID-19 pandemic. It is stated that the wife of the Applicant died on 15/09/2020 due to covid leaving behind four minor daughters, who are presently with the aged parents of the Applicant. These minor children need to be looked after and taken care of.

4. Considering the above facts, the Bail Application is allowed on following terms and conditions :-

(a) The Applicant is ordered to be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount to the satisfaction of the Trial Court ;

(b) The Applicant shall report to the Lonikand Police Station on 1st Monday of every month till the disposal of Sessions Case ;

(c) The Applicant shall not interfere with the victim, her family members or any person concerned with the case in any manner and shall not tamper with the evidence ;

(d) The Applicant shall keep the Trial Court informed of his current address and mobile contact numbers and/or change of residence or mobile details, if any, from time to time ;

(e) If there are two consecutive defaults in appearing before the Police Station or the Trial Court, the concerned Police Inspector and the Trial Court shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

5. The Bail Application stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)

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