

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 4046 OF 2021

Navnath Haridas Kangude ... Applicant

Versus

The State of Maharashtra and another ... Respondents

.....

Ms. Vilasini Balsubramaniam instructed by Mr. Jaydeep Mane for the Applicant.

Mr. A.R. Kapadnis, APP for the State.

Mr. Vivek Arote for Respondent No.2.

.....

CORAM : N.R. BORKAR, J.

DATED : 15 NOVEMBER 2022

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 246 of 2021 registered at Karkamb Police Station for the offence punishable under Sections 363, 376(3), 376(2)(n) of Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offences Act, 2012.

3. It is the case of the prosecution that on 31st July 2021, the present applicant took away the prosecutrix out of the keeping of the lawful guardian. It is alleged that then applicant and prosecutrix stayed at

Kolhapur till they were apprehended by the police on 5th August 2021. It is alleged that while they were staying at Kolhapur, on 2nd August 2021 the present applicant committed sexual intercourse with the prosecutrix on the pretext that he is going to marry her.

4. I have heard the learned Counsel for the applicant and the learned APP for the State and the learned Counsel for the Respondent No.2 and perused the statement of the prosecutrix.

5. Perusal of the statement of the prosecutrix reveals that, she on her own went alongwith the present applicant. It appears that the prosecutrix even agree to wear mangalsutra so that nobody should suspect that they are not husband and wife. It further appears that prosecutrix voluntarily stayed with the applicant till they were apprehended by the police. Considering the facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed :

(i) Application is allowed.

(ii) The applicant - Navnath Haridas Kangude be released on bail in Crime No. 246 of 2021 registered at Karkamb Police Station for the offence punishable under Sections 363, 376(3), 376(2)(n) of Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offences Act, 2012 on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(iii) The applicant shall not stay at Village : Umbare Page, Tal : Pandharpur, District : Solapur till the conclusion of trial and shall seek permission of the trial court if he is required to enter the said village.

(N.R. BORKAR, J.)