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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1097 OF 2022**

Anand Siddhu Kadam ...Applicant
Versus
The State of Maharashtra and anr. ...Respondents

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Mr. Tejas Hilage for the Applicant.
Ms Veera Shinde, APP for the State.
Mr. Yakub Shaikh for Respondent No. 2.
Ms Seema Malik, API, Dattawadi Police Station, Present.

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CORAM : N.R. BORKAR, J.
DATED : 14 DECEMBER 2022

P.C. :-

This is an application under Section 439 of Code of Criminal Procedure.

2. The applicant came to be arrested in Crime No. 266 of 2021 registered at Dattawadi police station for the offences punishable under Sections 363, 377, 323, 506 of Indian Penal Code and Sections 4, 11(5), 15(1) of the Protection of Children from Sexual Offences Act (POCSO Act) and Sections 66(D)(G), 67(K)(C) of Information Technology Act (IT Act).

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State and the learned counsel for the respondent No. 2.

4. The victim is 16 years 5 months old boy. The allegations are of carnal intercourse with him by co-accused- Sagar. The incident took place on 19 November 2021 and on the very same day the report was lodged

against the said co-accused- Sagar. There is no reference in the FIR that at the time of alleged incident the present applicant was present with the said co-accused. For the first time on 6 January 2022, the victim in his supplementary statement has alleged that the present applicant was present at the time of alleged incident and he threatened him.

5. The allegations of video recording of the alleged act are against the another co-accused- Karan, who according to the prosecution is absconding.

6. The applicant is in jail for more than nine months. He is not involved in any other crime. Considering the delay of one and half months in disclosing the name of present applicant, I am inclined to release him on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 266 of 2021 registered at Dattawadi police station for the offences punishable under Sections 363, 377, 323, 506 of Indian Penal Code and Sections 4, 11(5), 15(1) of the Protection of Children from Sexual Offences Act (POCSO Act) and Sections 66(D)(G), 67(K)(C) of Information Technology Act (IT Act) on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station once in a month that is on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.

(N.R. BORKAR, J.)