

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

CRIMINAL BAIL APPLICATION NO.415 OF 2022

Akshay Dnyaneshwar Kale

...Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.Ravindra S. Pachundkar, for the Applicant.

Ms.Anamika Malhotra, APP for the Respondent-State.

Ms.Meghna A. Gowalani, for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th AUGUST 2023

P.C:-

. Heard learned counsel for the Applicant, learned
APP and learned counsel for Respondent No.2.

2. The learned counsel for the Applicant submitted that,
this Court (Coram : N.R. Borkar, J.) by order dated 28th March
2023 has released the Applicant on temporary bail for the period
of three months. The Applicant has tried to take search of victim

as she is missing since lodging of FIR, relationship between the Applicant and the victim were consensual and out of love. At the time of the incident Applicant was 17 years old. Hence, requested to allow the Application.

3. The learned APP submitted that, due to sexual assault by the Applicant, Complainant became pregnant and she has delivered a child. After lodging the FIR Complainant has been missing. If Applicant is released on bail he may threaten the Complainant and he may abscond and trial may be delayed. Hence, requested to dismiss the Application.

4. The learned counsel for Respondent No.2 reiterates the submission of learned APP.

5. I have heard both learned counsel.

6. This Court (Coram : N.R. Borkar, J.) has already released the Applicant on bail for three months by order dated

28th March 2023. The Complainant is missing. On instructions, learned APP submitted that, till date her whereabouts has not been traced. No one knows how long she will not be traced. The Applicant is behind bar since more than three years. At the time of the incident Applicant was around 17 years old. Applicant has already been released on bail for three months the said period is over.

7. In view of above, I pass following order.

ORDER

(i) The Applicant be released on bail in Crime No.749 of 2019 registered at Lonikalbhor Police Station, Pune, on executing P.R. Bond in the sum of Rs.25,000/- with one or two surety in the like amount.

(ii) The Applicant shall not influence the prosecution witnesses.

(iii) The Application is allowed and disposed of.

(SHIVKUMAR DIGE, J.)