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

BAIL APPLICATION NO.2333/2022

NETAJI GUNDA KAMBLE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
BAIL APPLICATION NO.2637/2022**

GANESH SHIVAJI KAMBLE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

Adv. R. T. Kotali for the applicant in BA/2333/22.
Adv. H. S. Shinde for the applicant in BA/2627/22.
Mr. S. V. Gavand, APP for State in BA/2627/22.
Ms. A. A. Takalkar, APP for State BA/2333/22.
Adv. Rahul Shinde for the complainant.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 23, 2023.

P.C. :

1. Heard learned counsel for the applicants, learned APP for the State and learned counsel for the complainant. Learned counsel for the complainant opposed the application. He submitted that in the aftermath of the incident, the victim committed suicide. She is no more.
2. These are the bail applications in respect of the offence punishable under Sections 363, 366, 341, 376(2)(n),

354A, 354D read with 34 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 4, 8, 12, 42 of the Protection of Children from Sexual Offences Act, 2012 (hereafter 'POCSO Act' for short), registered vide First Information Report (FIR) No.359/2022 with Sangola Police Station, District-Solapur.

3. The applicants are the original accused nos.2 and 3. They are friends of the original accused no.1-Rohit. Rohit professed his love for the victim who at the relevant time was 16 years and 9 months of age. It is the allegation in the statements under Sections 161 and 164 of the Code of Criminal Procedure that on March 30, 2022, the accused no.1 forcibly took the victim with him in a car and performed the marriage with the victim. It is alleged that the applicants helped the accused no.1. It is alleged that thereafter the accused no.1 had physical relations with the victim. On April 6, 2022, the applicants went along with the police to the place where the accused no.1 and the victim were residing and the offences came to be registered.

4. There is a delay in registering the FIR. It is unfortunate that the victim is no more. So far as the applicants are

concerned, it is alleged that they helped the accused no.1 get married with the victim. The investigation is complete and the charge-sheet has been filed. The applicants are in custody since April 6, 2022.

5. Considering the role of the applicants and the nature of the accusations, now that the investigation is complete and that there are no criminal antecedents reported against these applicants, the applicants can be released on bail. Hence the following order.

ORDER

(a) The applications are allowed.

(b) The applicants- Netaji Gunda Kamble and Ganesh Shivaji Kamble in connection with FIR No.359/2022 with Sangola Police Station, District-Solapur, shall be released on bail on their furnishing P.R. Bonds of Rs.15,000/- each with one or more sureties in the like amount.

(c) The applicants shall report to the Investigating Officer of the concerned police station once in a month on every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicants shall furnish their contact numbers and residential addresses to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicants shall not enter the area where the complainant is residing.

6. The applications are disposed of.

(M. S. KARNIK, J.)