

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2948 OF 2022

1. Krushna M. Kap
2. Rohit M. Ambekar ...Applicants
V/s.
The State of Maharashtra and anr. ...Respondents.

Mr. Ateet Shirodkar a/w. Mr. Ganesh Gole and Mr. Viraj Shelatkar
for the Applicants.

Mr. P.H. Gaikwad-Patil, APP for the Respondent/State.

Ms Ameeta Kuttikrishnan, Appointed Advocate for Respondent
No.2.

CORAM : N.R. BORKAR, J.
DATE : 24.02.2023.

P.C. :

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

2. The applicant came to be arrested in Crime No.25 of 2022
registered at Tala Police Station, Raigad for the offences
punishable under Sections 376 (1)(2)(I), 312 read with 34 of the
Indian Penal Code and Sections 4, 6 and 8 of the Protection of
Children from Sexual Offences Act, 2012.

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

4. According to the prosecution, the victim used to go to the
house of the co-accused Maruti Ambekar to watch the television.

The allegations against the said co-accused are that whenever the victim used to go to his house, he on one pretext or other used to commit the sexual intercourse with her taking benefit of the fact that she being minor was not capable of understanding it's consequences. It is alleged that after the victim became pregnant, he brought her to Mumbai for abortion. It is alleged that present applicants along with said co-accused Maruti Ambekar took the victim to the hospital and made her to abort.

5. The applicants are in jail for more than 10 months. Considering the role attributed to the present applicants, I am inclined to release them on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicants be released on bail in C.R. No. 25 of 2022 registered at Tala Police Station, Raigad for the offences punishable under Sections 376 (1)(2)(I), 312 read with 34 of the Indian Penal Code and Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012 on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or two sureties in the like amount.

C] The applicants shall not tamper with the prosecution evidence.

[N.R.BORKAR, J.]