

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

BAIL APPLICATION NO.3227 OF 2022

Eknath @ Nitin Laxman Bombdekar ..Applicant

VS.

The State of Maharashtra and anr. ..Respondents

Ms. Rashmi Manohar Gawade for the Applicant.

Mrs. Sujata Dhanavade for respondent No.2.

Mr. S. H. Yadav, APP for the State.

Mr. Tanaji Patil, PSI, Vanrao Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 19, 2023

P.C. :

1. Heard learned counsel for the applicant, learned counsel for the respondent No.2 and learned APP for the State.

2. This is an application for bail by the applicant-Eknath @ Nitin Laxman Bombdekar in connection with C.R. No.918 of 2020 registered with Vanrai Police Station for the offence punishable under Sections 354, 376(3) and 500 of the Indian Penal Code, 1860 and under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (hereafter "POCSO Act", for short).

3. The FIR came to be registered on 10/10/2020. At the relevant time the victim was around 16 years of age. It is the case of the applicant, who is unmarried, that the relationship between the applicant and the victim was consensual in nature. Considering the age of the victim the consent is immaterial. The applicant is in custody for more than 2 years and 3 months.

4. The mother of the victim and the victim is present in the Court. It is submitted that the victim is around 18 years of age at present. It is submitted on instructions that the victim is ready to marry the applicant and even the mother of the victim is consenting to such a course of action. It is submitted that they have no objection if the applicant is released on bail. I do not express any opinion on the submissions made by learned counsel for the parties. Suffice it to observe that the applicant is in custody for more than 2 years and 3 months. The trial is not likely to commence any time soon. The charge-sheet has been filed and the investigation is complete. There are no criminal antecedents reported against the applicant.

5. Hence, the following order :-

ORDER

- (a) Application is allowed.
- (b) Applicant-Eknath @ Nitin Laxman Bombdekar shall be released on bail in connection with C.R. No.918 of 2020 registered with Vanrai Police Station, on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish provisional cash bail security in the sum of Rs.15,000/-, for a period of six weeks, in lieu of surety.
- (d) The applicant 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) The applicant shall report to the Investigating Officer as and when called.
- (f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

6. The Bail Application is disposed of.

(M. S. KARNIK, J.)