



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 BAIL APPLICATION NO. 2164 OF 2024

MUNJABHAU @ SONU MALHARI SONTAKKE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Sudarshan J. Salunke

APP for Respondent/State: Mr. S. K. Shirse

Advocate for Respondent No.3 :

Adv. R. N. Bharaswadkar (*Appointed Through Legal Aid*)

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CORAM : ARUN R. PEDNEKER, J.

DATE : 11th DECEMBER, 2024

PER COURT:

1] Heard learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel appearing for respondent no.3.

2] The applicant is seeking bail as he was arrested on 28.09.2024 in connection with Crime No.266/2024, dated 14.08.2024, registered with Kandhar Police Station, District Nanded, for the offences punishable under Sections 137(2), 64, 64(m), 69, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012.

3] The allegations against the applicant is that he has induced 2 minor girls to leave the custody of their maternal uncle and go to Aurangabad on the assurance that he would marry one of the girl. The case of the prosecution is that, when the girls reached Aurangabad the

applicant did not meet the minor girls. The applicant having not meet the minor girls, they got scared. However, the applicant informed the girls to stay with one Anil. They stayed with Mr. Anil and, thereafter, one of the minor girl, who is of 16 years age returned home by train. As regards the another minor girl, who is about 17 years and 9 months, she developed relations with Anil, who was introduced on phone by the present applicant and she continued her relations with Anil. Anil is also arrested in the case and he has filed the separate bail application. The same is dealt with separately.

4] As far as the present applicant is concerned, the case of prosecution is that the applicant induced 2 minor girls to leave the custody of their maternal uncle. However, he did not meet them and one of the girl is already returned back to her home. The offence, which is alleged against the present applicant under Section 137(2) of the BNS, which corresponds to Section 363 of IPC, the same is bailable. The non bailable offences are Sections 64, 64(m) and 69 of the BNS.

5] Considering the fact that there is no sexual relation by the applicant on either of the minors, who travelled to Aurangabad, prima facie, the offence under Sections 64, 64(m) and 69 read with section 3(5) of the BNS may not be attracted and, prima facie, would not apply. The applicant is arrested on 28.09.2024 and in jail since then. The POCSO Act Sections 4 and 8 are not applicable to the present applicant and Section 12 prescribes maximum punishment up till 3 years.

6] The learned APP and the learned counsel for respondent no.3 has strenuously argued and opposed the bail application.

7] In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.266/2024, dated 14.08.2024, registered with Kandhar Police Station, District Nanded, for the offences punishable under Sections 137(2), 64, 64(m), 69, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012, on furnishing PR bond of Rs.15,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

8] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

9] It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10] The application stands disposed of.

[ARUN R. PEDNEKER, J.]

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