

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.108 OF 2022

Chindanand @ Chidya Suresh Koli	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Shailesh D. Chavan with Shrikant Panhale, Advocate for Applicant.

Mrs.Geeta P. Mulekar, APP for State.

Mr.Avinash D. Mango, Advocate for Respondent no.2.

CORAM : ANIL S.KILOR, J.

DATE : 10th June 2024

PC :

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.53 of 2021, registered with Bhujinj Police Station, District: Satara for the offences punishable under Sections 366-A, 376(2)(n), 376(3), 506 of Indian Penal Code and u/s.4, 8 and 12 of Protection of Children from Sexual Offences Act, 2012.
3. Learned counsel for Applicant points out that no external injury or no signs were found on the body of the victim which would support the case of prosecution and the opinion of the doctor that, possibility of sexual intercourse cannot be ruled out including penetrative sexual assault. It is submitted that Applicant is in jail from last more than three years and in the mean time the investigation is completed. Hence, he is praying for grant of bail to the Applicant.

4. Learned APP strongly opposed the present application citing the opinion of Doctor that, possibility of commission of offence as alleged, cannot not be ruled out. It is further submitted that age of the victim was seven years on the date of incident. It is further submitted that statement of victim is sufficient to prima facie show involvement of accused. Accordingly she prays for dismissal of the application.

5. In light of the rival submissions I have perused the FIR and charge sheet.

6. From the medical report it is evident that no external injuries were found on the body of victim. Prima facie no other marks or signs were noticed by the Doctor on the person of victim which would prima facie support the case of prosecution. More over it is evident from the statement of the victim that her mother was present at the spot.

7. In the circumstances, as the investigation is completed and further considering the period of incarceration of the Applicant which is more than three years, I am of the opinion that Applicant is entitled to grant bail on certain conditions.

ORDER

(i) Bail Application is allowed and disposed off.

(ii) It is directed that the applicant shall be released on bail in Crime No.53 of 2021, registered with Bhuij Police Station, District Satara, for the offences punishable under Sections 366-A, 376(2)(n), 376(3), 506 of Indian Penal Code and u/s.4, 8 and 12 of Protection of Children from Sexual Offences Act, 2012, on furnishing P.R.Bond

of Rupees Twenty Five Thousand with one solvent surety in the like amount;

(iii) The Applicant shall not enter within the territorial jurisdiction of Bhuij Police Station, District Satara till conclusion of trial except for attending trial;

(iv) Applicant shall submit his address of the nearest Police Station to the Investigating Officer and shall attend the said Police Station on 1st and 16th day of every month between 11.00 a.m and 12.00 noon till conclusion of trial;

v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

vi) Liberty is granted to the State for cancellation of bail if the applicant commits similar offence;

vii) The applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

(ANIL S.KILOR, J.)

MST