

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

BAIL APPLICATION NO. 2062 OF 2023

Ganesh Rajendra More

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Vaibhav Gaikwad with Atharva R. B. and Y. M. Naik, Advocate for Applicant.

Ms. Supriya Kak, APP for State-Respondent.

Ms. Samiksha Pawar, Advocate for Respondent No. 2.

CORAM:- ANIL S. KILOR, J.

DATED:- 11th JULY, 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. 81 of 2022 registered with Lonand Police Station, District: Satara, for the offences punishable under Sections 376, 376(3), 504 and 506 read with Section 34 of Indian Penal Code (for short 'IPC') and Sections 4 and 18 of Protection of Children from Sexual Offences Act, 2012.

- 3) The allegations against the applicant are that he committed sexual intercourse with the victim, who was aged 12 years and 4 months on the date of incident.
- 4) Having gone through the charge-sheet and material collected by the Investigating Officer, prima facie it is evident that the medical report does not support the case of the prosecution of sexual intercourse.
- 5) Furthermore, there is no eye-witness to the alleged incident, which took place during the day hours on an open land adjacent to the temple in the village.
- 6) In the circumstances, considering the fact that the applicant is a young boy and charge-sheet has already been filed, in the absence of any prima facie evidence against the applicant, I am of the opinion that the applicant is entitled for grant of bail.
- 7) The learned APP and the learned Counsel for the respondent No. 2 are strongly opposing the application. However, in view of the above referred observations, I am of the opinion that the application needs to be allowed.
- 8) As far as the apprehension of the learned APP and the learned Counsel for the respondent No. 2 that the applicant and the victim are residents of the same village and if the applicant is released on bail, there is every possibility that he may pressurize the prosecution

witnesses and the victim, the same can be addressed by imposing certain conditions. Hence, I pass the following order.

ORDER

- i) The Criminal Bail Application is allowed.
- ii) It is directed that the applicant shall be released on bail in connection with Crime No. 81 of 2022 registered with Lonand Police Station, District: Satara, for the offences punishable under Sections 376, 376(3), 504 and 506 read with Section 34 of Indian Penal Code (for short 'IPC') and Sections 4 and 18 of Protection of Children from Sexual Offences Act, 2012, on furnishing P.R. Bond of Rs.25,000/-(Rupees Twenty-Five Thousand) with solvent surety in the like amount;
- iii) The applicant shall not enter into the territorial jurisdiction of Police Station – Lonand, Dist. - Satara till conclusion of the trial, except for the trial;
- iv) The applicant shall provide his address and the name of the nearby Police Station to the Investigating Officer and shall attend the said Police Station on 1st and 16th day of each month between 12:00 noon and 02:00 p.m. till conclusion of the trial, except on the date of the 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, and also not tamper with the evidence;

vi) Liberty is granted to the State and Respondent No. 2 to apply for cancellation of bail in case of any breach of condition if the applicant commenced similar offence;

vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Bail Application is **disposed of** accordingly.

[ANIL S. KILOR, J.]