

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2333 OF 2023

Vikas Rajaram Pawar, age 25 years,
Occ.Business, R/o.Vadgaon, Tal.Khatav,
Dist.Satara (presently in Sub Jail, Kolhapur) Applicant

versus

1. The State of Maharashtra
2. XYZ Respondents

Mr.Sachin Ramrao Pawar, Advocate for Applicant.
Ms.Keral Mehta, Advocate for Respondent no.2.
Mrs.Veera Shinde, APP for State.

CORAM : ANIL S.KILOR, J.

DATE : 2nd 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.133 of 2023 registered with Gandhi Nagar Police Station, District Kolhapur. for the offences punishable under Sections 376, 376(1), 354, 354-A, 354-B, 506 r/w 34 of the Indian Penal Code r/w Sections 4, 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

3. The allegations against the Applicant is that he sexually assaulted the victim who was minor on the date of alleged incident.

4. Having gone through the charge sheet and material collected by the Investigating Officer it is evident that mother of the victim has illicit relations with the Applicant and she allegedly ran away with

the present Applicant. Thereafter, the victim lodged the complaint about the alleged incident, which took place about four months back. The witnesses in the present matter are the father and grandmother of the victim whose statements are based on the narration of incident by the victim.

5. If the medical evidence is perused it prima facie does not support the case of prosecution. In the circumstances though the learned counsel for Respondent no.2 and learned APP are strongly opposing the application, I am of the opinion that considering the backdrop of present matter and the nature of evidence available on record, the Applicant is entitled for grant of bail.

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) It is directed that the applicant shall be released on bail in Crime No.133 of 2023 registered with Gandhi Nagar Police Station, District Kolhapur. for the offences punishable under Sections 376, 376(1), 354, 354-A, 354-B, 506 r/w 34 of the Indian Penal Code r/w Sections 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 into territorial jurisdiction of Kolhapur City till conclusion of trial except for trial;
- (iv) The Applicant shall provide his address and name of nearby Police Station to the Investigating Officer and attend said Police Station on 1st and 16th day of every month between 12.00 noon and 2.00 pm 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