

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3254 OF 2024

Shubham Mohan Yamgar ... Applicant.

V/s.

The State of Maharashtra & Anr. ... Respondents.

Ms Manisha Devkar, Advocate for Applicant

Mr Pandurang H. Gaikwad-Patil, APP for the State.

Mr Ashish V. Jha, Advocate for Respondent No.2-Victim

CORAM : ANIL S. KILOR, J.

DATED : OCTOBER 17, 2024.

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PC:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.03 of 2024, registered with Atpadi Police Station, District: Sangli for the offences punishable under Sections 376, 376(3), 366A read with Section 34 of the Indian Penal Code and Sections 4, 6, 8, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012.
3. After going through the charge-sheet and the relevant material collected by the Investigating Officer during investigation, it is evident that the only allegation against the applicant is that the

applicant was accompanied the main accused. However, there is no allegation against the applicant that he sexually assaulted the victim/informant. The applicant is in jail from last about 10 months and in the meantime charge-sheet has been filed.

4. Thus, considering the nature of the allegations against the applicant, I am of the opinion that further custody of the applicant, in the present matter, is not necessary.
5. At this stage, the learned APP and the learned counsel for the victim, while opposing the present application, have expressed apprehension that if the applicant is released on bail, since he is residing in the same locality, there is every possibility that he may pressurize the prosecution witnesses. Thereupon, the learned counsel for the applicant, on instructions, submits that the applicant is ready to abide by any condition, including the condition not to enter into Atpadi Taluka.
6. Considering the said apprehension I am of the opinion that the same can be addressed by putting certain stringent conditions.
7. Accordingly, I pass the following order:
 - i) The Criminal Application is allowed.
 - ii) It is directed that the applicant shall be released on bail in connection with Crime No.03 of 2024, registered with Atpadi Police Station, District: Sangli for the offences

punishable under Sections 376, 376(3), 366A read with Section 34 of the Indian Penal Code and Sections 4, 6, 8, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012, on furnishing P.R. Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount;

- iii) The applicant shall not enter the territorial jurisdiction of Atpadi Taluka, District : Sangli till conclusion of the trial, except for attending the trial.
- iv) The applicant shall provide his address and name of the nearby Police Station to the I.O., which he shall attend on first day of each month between 10:00 a.m. and 11:00 a.m., till conclusion 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, as also not tamper with the evidence;
- vi) Liberty is granted to the State to apply for cancellation of bail if the applicant commits similar offence or breaches any condition for grant of bail.
- 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.

Fees of Shri Ashish Jha, Advocate appointed to represent the respondent No.2 be quantified as per the Rules.

(ANIL S. KILOR, J)