

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3351 OF 2024

Anil Yuvraj Dhanvade ... Applicant

V/s.

The State of Maharashtra and Anr. ... Respondents

 Mr Shekhar Ingawale, for the applicant.

Mr. PH. Gaikwad, APP, for the Respondent / State.

Mr. Ashok S. Pandire, for respondent no. 2, through legal aid.

CORAM : ANIL S. KILOR, J.

DATE : 26TH NOVEMBER, 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.50 of 2024, registered with Shahapur Police Station, Ichalkaranji, Kolhapur for the offences punishable under Sections 376 and 363 of the Indian Penal Code, 1860 (for short, IPC) and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO' Act).

3. In the present case on 02.02.2024 the mother of the victim lodged a complaint that her daughter aged 15years 5 months 7 days

left the house in anger and did not return back to home. The mother of the victim had suspicion that somebody might have kidnapped her. Thereafter, girl was found on 21.02.2024 at Vadgaon S.T. Stand, thereupon, police recorded her statement. In the said statement, she did not disclose anything except that she had left the house on her own out of anger. After 5 days another statement was recorded i.e. on 26.02.2024, wherein, she implicated the name of the present applicant and alleged that 2 to 3 months back once the applicant established with her physical relations. Thereafter, the statement under section 164 of Cr.P.C. was recorded on 29.02.2024 wherein she stated that the applicant kidnapped her and committed sexual assault three months prior. In none of the statements basic minimum necessary details and information are given namely after she left the home where the applicant met her, where they then stayed for about 20 days, how she reached to Vadgaon S.T. Stand etc. Thus, it creates, prima facie, doubt about the prosecution story.

4. In the above-referred backdrop, considering the fact that the charge-sheet has been filed and the applicant is in jail from about 9 months, I am of the opinion that the applicant is entitled for grant of bail.

5. The learned APP and the learned counsel for the respondent no. 2 however opposed the applicant and tried to impress upon this Court that in view of the NC filed by the mother of the victim alleging that the family members of the applicant had pressurized the victim and her mother, there is an apprehension that if the applicant is released on bail he may pressurize the victim or her mother.

6. Thereupon, the learned counsel for the applicant, on instructions, makes a statement that the applicant is ready to abide by any condition including not to enter into Tal-Ichalkaranji, Kolhapur till the conclusion of the trial.

7. In that view of the matter, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant be released on bail in Crime No.50 of 2024, registered with Shahapur Police Station, Ichalkaranji, Kolhapur for the offences punishable under Sections 376 and 363 of the Indian Penal Code, 1860 (for short, IPC) and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO' Act), on furnishing PR.Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;
- iii) The applicant shall not enter into territorial jurisdiction of Ichalkaranji, till the conclusion of the trial;
- iv) The applicant shall provide his address and name of the nearby police station to the IO, which he shall attend the said Police Station on 1st day of every month between 10.00a.m. to 11.00 a.m., till the conclusion of the trial except on the date 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 to apply for cancellation of bail in case of any breach of condition or if the applicant commits 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.

8. The application is disposed of.

(ANIL S. KILOR, J)