

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3483 OF 2023

Sushant Ramesh Morbale

Applicant

versus

The State of Maharashtra and another

Respondents

Mr.Aniket Nikam i/by Mr.Amit Icham for Applicant.

Mr.Arvind Aswani for Respondent no.2.

Mr.Shriram S.Chaudhari, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 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.17 of 2023 registered with Murgud Police Station, District Kolhapur, for the offences punishable under Sections 363, 354-A, 354-D, 366-A, 376(2)(i) of the Indian Penal Code r/w Sections 4, 8, 10 and 12 of Protection of Children from Sexual Offences Act, 2012.

3. The allegations against the Applicant are that he entered the finger in the vagina of the victim who is minor.

4. Having considered and gone through the charge sheet and the material collected by the Investigating Officer I am of the opinion that prima facie the medical report does not support the case of prosecution. Further as the charge sheet has been filed after completion of investigation, considering the period of incarceration i.e. about one year, the custody of Applicant is not further required.

5. As far as apprehension expressed by learned counsel for Respondent no.2 and learned APP while opposing the bail application that if the Applicant is released on bail he may pressurize the prosecution witnesses as the victim and the Applicant are residents of same village, the same can be addressed by putting certain stringent 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.17 of 2023 registered with Murgud Police Station, District Kolhapur, for the offences punishable under Sections 363, 354-A, 354-D, 366-A, 376(2)(i) of the Indian Penal Code r/w Sections 4, 8, 10 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 Murgud Police Station, District Kolhapur, 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 day of every month between 10.00 am and 11.00 am till conclusion of 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 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