

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

CRIMINAL BAIL APPLICATION NO. 98 OF 2024

Dolma Raju Tamong

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Rajesh More, Advocate for the applicant.

Mrs. Veera Shinde, APP for State-Respondent.

Mr. Mahesh Chandanshive, Advocate for Respondent No. 2.

Mr. Chandrakant G. Javalgi, PSI, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 26th AUGUST, 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.169 of 2023 registered with Faraskhana Police Station for the offences punishable under Sections 370, 370-A, 344, 363 and 366-A read with Section 34 of the Indian Penal Code, 1860, Sections 16 and 17 of the Protection of Children from Sexual Offences Act, 2012 Sections, 3, 4, 5, 6 and 7 of Prevention of Immoral Traffic Act, 2012, Sections 3, 6 of Passport Act, 1950 and Rule 3(1) of the Foreigners Order 1948 and Section 14-A (AB) of Foreigners Act.

3) The applicant is in jail since last one year and the maximum punishment is three years.

4) Considering the nature of the allegations made against the applicant and the fact that the charge-sheet has been filed on completion of investigation, I am of the opinion that further custody of the applicant is not necessary. Moreover, there are no antecedents against the applicant. However, to prevent the possibility of repeating a similar offence by the applicant, some stringent conditions can be imposed.

5) In the circumstances, though the learned APP and the learned Counsel for the victim are strongly opposing the application, I pass the following order.

ORDER

- i. The Bail Application is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No.169 of 2023 registered with Faraskhana Police Station for the offences punishable under Sections 370, 370-A, 344, 363 and 366-A read with Section 34 of the Indian Penal Code, 1860, Sections 16 and 17 of the Protection of Children from Sexual Offences Act, 2012 Sections, 3, 4, 5, 6 and 7 of Prevention of Immoral Traffic Act, 2012, Sections 3, 6 of Passport Act, 1950 and Rule 3(1) of the Foreigners Order 1948 and Section 14-A (AB) of Foreigners Act, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

- iii. The applicant shall not enter into the territorial jurisdiction of Faraskhana Police Station till the conclusion of the trial except on the date of trial;
- iv. The applicant shall provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on 1st day of every month between 12.00 noon to 2.00 p.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 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.
- viii. Application stands disposed of, accordingly.

Fees of Mr. Mahesh Chandanshiv, learned counsel appointed to represent the respondent No.2 – victim be quantified as per the Rules.

[ANIL S. KILOR, J.]