

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

BAIL APPLICATION NO. 130 OF 2024

Kishor Walmik Sonawane

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Vijay Killedar, Advocate for Applicant.

Mr. Saba Shaikh Advocate for complainant (Court Appointed).

Mrs. Veera Shinde, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 10th 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. 318 of 2023, registered with Yeola City Police Station, Dist.-Nashik, for the offences punishable under Sections 376 and 366 of the Indian Penal Code, 1860 (for short, 'IPC') and Sections 3/4, 11(4) r/w. 12 of Protection of Children from Sexual Offences Act, 2012.
- 3) Though the allegations against the applicant are of establishing physical relations with the victim, prima facie, medical report does not support the prosecution case.

4) The charge-sheet has been filed in the present matter and the applicant is in jail from 18th September, 2023. If the statement of victim is considered, she has stated that she on her own went with the accused – applicant. Thus, considering the nature of evidence collected by the Investigating Officer and the allegations against the applicant, I am of the opinion that the applicant is entitled for grant of bail.

5) The learned APP as well as the respondent No. 2 are strongly opposing the application. However, in view of the observations made hereinabove, I am of the opinion that further custody of the applicant is not necessary. Accordingly, the application needs to be allowed.

6) As far as apprehension expressed by the learned counsel for the respondent No. 2 that as the victim is taking education at Kopergaon, Dist. Ahmednagar, there is every possibility that if the applicant is released on bail, he may be pressurized the witnesses, the same can be addressed by putting some stringent conditions. Accordingly, I pass the following order:-

ORDER

- i) The Criminal Bail Application is allowed.
- ii) It is directed that the applicant shall be released on bail in connection with Crime No. 318 of 2023, registered with Yeola City Police Station, Dist.-Nashik, for the offences punishable

under Sections 376 and 366 of the Indian Penal Code, 1860 (for short, 'IPC') and Sections 3/4, 11(4) r/w. 12 of Protection of Children from Sexual Offences Act, 2012, on furnishing P.R. Bond of Rs.25,000/-(Rupees Twenty-Five Thousand) with solvent surety in the like amount;

iii) The applicant shall not enter into the territorial jurisdiction of Kopargaon, Dist. Ahemednagar and Yeola, Dist. Nashik till conclusion of the trial, except for the trial;

iv) The applicant shall provide his address and the name of the nearby Police Station to the Investigating Officer and shall attend the said Police Station on 1 st day of each month between 12:00 noon and 02:00 p.m. till conclusion of the trial, except on the date 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 in case the applicant commits the 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.

The Criminal Bail Application is **disposed of** accordingly.

[ANIL S. KILOR, J.]