

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.187 OF 2024

Kapil Suresh Taak	Applicant
versus	
The State of Maharashtra	Respondent

Ms.Sana Raees Khan with Aditya Parmar, Ruchita Rajpurohit and Chaitanya Mendon for Applicant.

Ms.Meghna gowalani, Advocate for Respondents.

Mrs.Veera Shinde, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 21th June 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.305 of 2021 registered with Pimpri Police Station, Pimpri Chinchwad, Pune for the offences punishable under Sections 377, 363, 343, 289,323, 324, 504, 506, 143, 145, 149 of the Indian Penal Code r/w Sections 4 and 8 of Protection of Children from Sexual Offences Act, 2012.

3. Learned counsel for Applicant submits that the provisions of Protection of Children from Sexual Offences Act, 2012 (POCSO Act) will not apply to the present case. It is submitted that nothing has been brought on record to show that there was any sexual intent. It is further submitted that the charge sheet has been filed and further custody of the Applicant is not required. Lastly it is pointed out that Applicant was arrested on 1st May 2021 and is in jail since then.

Accordingly she prays for grant of bail.

4. On the other hand, learned APP strongly opposed for grant of bail. It is submitted that, the offence is of serious nature and as the video shooting was recorded, the Applicant may not be granted bail.

5. On the other hand, learned counsel for the victim reiterates the submissions of learned APP and while strongly opposing the application submits that there is sufficient incriminating material collected by the Investigating Officer during investigation showing involvement of the Applicant and therefore it is prayed that, this Court may not grant bail to the Applicant.

6. After going through the FIR and the allegations made in the FIR against the Applicant coupled with the material collected during investigation, prima facie nothing is brought on record to show that there was any sexual intent. The case is of physical and mental torture meted out to the minor victims in the background that Applicant and other co-accused have considered them as thieves.

7. In the circumstances the fact that charge sheet has been filed and the Applicant is in jail from last more than three years, I am of the opinion that further custody of the applicant is not necessary. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application is allowed and disposed off;
- (ii) It is directed that the applicant shall be released on bail in Crime No.305 of 2021 registered with Pimpri Police Station, Pimpri Chinchwad, Pune for the offences punishable under Sections 377, 363, 343, 289, 323, 324, 504, 506, 143, 145, 149 of the Indian Penal

Code r/w Sections 4 and 8 of Protection of Children from Sexual Offences Act, 2012 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, on furnishing P.R.Bond of Rupees Fifty Thousand with one solvent surety in the like amount;

iii) The applicant shall attend Pimpri Police Station on 1st and 16th day of every month, till conclusion of trial;

iv) 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;

v) Liberty is granted to the State for cancellation of bail if the applicant commits similar offence;

vi) 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