

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

CRIMINAL BAIL APPLICATION NO. 205 OF 2024

Kiran Gautam Kamble ...Applicant

Vs.

The State of Maharashtra and Others ...Respondents

Mr. Vishal Kolekar with Shubham Kadam, Advocate for Applicant.

Mr. S. S. Ghag, APP for State-Respondent.

Mr. S. S. Bedekar, Appointed for First Informant.

CORAM:- ANIL S. KILOR, J.

DATED:- 12th 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. 206 of 2023, registered with Talegaon Dabhade Police Station, Dist.- Pune, for the offences punishable under Sections 363, 376(2)(n) and 506 of the Indian Penal Code, 1860 and Sections 4, 5(l), 6 and 17 of the The Protection of Children from Sexual Offences Act, 2012.
- 3) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it is evident that the allegations against the applicant is that, on 14th April, 2023, the applicant took the victim with him and they stayed in Buddhavihar, and

next morning, he committed sexual intercourse with the victim, in an adjoining agricultural field and thereafter the applicant left her there and fled away. Thereafter, the allegations are relating two co-accused who committed sexual intercourse with the victim.

4) The applicant is 20 years old young boy, and considering the period of incarceration i.e. more than one year and further considering the fact that after completion of investigation, the charge-sheet has been filed, I am of the opinion that further custody of the applicant is not necessary. Moreover, there appears to be a love affair between the applicant and the victim.

5) In the circumstances, though the learned APP and the learned Counsel for the victim have strongly opposed the present application, I am of the opinion that the applicant is entitled for grant of bail as there is unlikelihood that the trial will be concluded in near future.

6) As far as the apprehension expressed by the learned APP and the learned Counsel for the victim that the applicant and victim are the residents of the same locality, hence, there is every possibility that the applicant would pressurize the victim and the prosecution witnesses, it can be addressed by putting stringent conditions.

ORDER

- i. The Bail Application is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No. 206 of 2023, registered with Talegaon Dabhade Police Station, Dist.- Pune, for the offences punishable under Sections 363, 376(2)(n) and 506 of the Indian Penal Code, 1860 and

Sections 4, 5(l), 6 and 17 of the The Protection of Children from Sexual Offences Act, 2012, on furnishing PR. 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 Talegaon Dabhade 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 and 16th 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.

[ANIL S. KILOR, J.]