

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

CRIMINAL BAIL APPLICATION NO. 994 OF 2024

Kundankumar Shankar Das

...Applicant

Vs.

The State of Maharashtra and Others

...Respondents

Mr. Akshay Ashok Shinde , for the applicant.

Mrs. Priyanka Rane, APP for State-Respondent.

Mr. Sachin Patil, API, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 14th 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.91 of 2023, registered with Panvel Taluka Police Station, Raigad for the offences punishable under Sections 363, 376, 376(2)(n) of the Indian Penal Code, 1860 and Sections 4 and 6 of The Protection of Children from Sexual Offences Act, 2012.

3) Having gone through the charge-sheet and the material collected by the Investigating Officer during the investigation, prima facie it is

evident that there was a love affair between the applicant and the victim.

4) On the date of the incident, the victim herself met the applicant, and there from they went to the house of the applicant in Bihar, where they stayed for one and a half months. The applicant was arrested from Bihar on 4th June, 2023 and since then he is in jail. No doubt the victim was 13 years and four months of age when she was kidnapped when the alleged offence was taken place. However, considering her statement given under Section 164 of Code of Criminal Procedure, 1973 and the other evidence collected by the Investigating Officer during the investigation, I am of the opinion that further custody of the applicant is not necessary.

5) As far as the apprehension expressed by the learned APP that the applicant is from Bihar and if he is released on bail, there is possibility that he will not be available for trial, the same can be addressed by imposing stringent conditions. Hence, 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.91 of 2023, registered with Panvel Taluka Police Station, Raigad for the offences punishable under Sections 363, 376, 376(2)(n) of the Indian Penal Code, 1860 and Sections 4 and 6 of The Protection of Children from Sexual Offences Act, 2012, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty

Five Thousand) with one local solvent surety in the like amount;

iv. The Applicant shall attend the said Police Station on every Saturday between 9 am to 10 am, 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.]