

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1103 OF 2024

Yogesh Baban Bhagat ... **Applicant.**
V/s.
The State of Maharashtra and Others ... **Respondents.**

Mr. Nikhil V. Adkine, Advocate for the Applicant.
Mrs. S. Yadav, APP for the State/Respondent.

**SAYALI
DEEPAK
UPASANI**

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CORAM : ANIL S. KILOR, J.
DATE : 21st JUNE, 2024.

PC:

1) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 1142 of 2020, registered with Bharti Vidyapeeth Police Station, District: Pune for the offences punishable under Section 370, 366-A and 370-A of Indian Penal Code r/w Sections 3, 4, 5 and 7 of Prevention of Immoral Trafficking Act, 1956 and Sections 3 and 4 of Protection of Children from Sexual Offences Act, 2012.

2) The learned Counsel for the applicant submits that immediately after lodgement of the FIR the statements of the victims were recorded wherein they did not name the applicant. However, subsequently, after 7-8 days, supplementary statements were recorded naming the applicant for the first time. It is further submitted that thereafter again in the statement under Section 164 of the Cr.P.C. the applicant was not named and some contradictory story was narrated. It is submitted that even the victim went to the extent of stating that the raid conducted was the farce. He

therefore, submits that the applicant is in jail from last more than 3 years and the investigation is completed, hence, further custody of the applicant is not required. Accordingly, he prays for grant of bail.

3) On the other hand, the learned APP strongly opposed the application and submits that the statements of the victims support the case of the prosecution and this is the serious offence. He therefore, prays for rejection of the applicant.

4) Having considered the charge-sheet and the material collected by the Investigating Officer, it is evident that in the first statement none of the victims named the applicant. Even the story narrated in the statement under Section 164 of the Code of Criminal Procedure, 1973 is contradictory.

5) Thus, considering the evidence relating to the applicant, the supplementary statements of the victims, the material collected by Investigating Officer and the fact that the applicant is in jail from 3 years, I am of the opinion that further custody of the applicant is not necessary. Hence, the applicant is entitled for grant of bail.

6) In the circumstances, I proceed to 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.1142 of 2020, registered with Bharti Vidyapeeth Police Station, District: Pune for the offences punishable under Section 370, 366-A and 370-A of Indian Penal Code r/w Sections 3, 4, 5 and 7 of Prevention of Immoral Trafficking Act, 1956 and Sections 3 and 4 of Protection of

Children from Sexual Offences Act, 2012 on executing P. R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

- (iii) 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;
- iv) Applicant shall not enter into the territorial jurisdiction of District - Pune except for the trial till the conclusion of the trial;
- v) Applicant shall provide his address and the name of the nearby police station to the Investigating Officer, which he shall attend on 1st and 16th day of each month between 12:00 noon and 2:00 pm, till conclusion of the trial;
- vi) Liberty is granted to the State to apply for 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.

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

(ANIL S. KILOR, J)