

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1546 OF 2024

Shadab Hanif Patel, Age 24 years,
Occ.Contract Labourer,
R/o.Rajendra Nagar, PMC Colony,
E Building Room No.704,
Dandekar Bridge, Pune.
(Presently in Yerwada Central Prison)

Applicant

versus

1. The State of Maharashtra
2. Laxman Ramesh Kitturkar

Respondent

Mr.Mahendra Kawchale, Advocate for Applicant.
Mr.Swapnil R.Chopade, Advocate for Respondent no.2.
Mrs.S.M.Yadav, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 17th October 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.905 of 2020 registered with Wanwadi Police Station, Pune, for the offences punishable under Sections 363, 376, 376(3) of Indian Penal Code r/w Sections 4, 8, 12 of Protection of Children from Sexual Offences Act, 2012.

3. Having gone through the charge sheet and relevant material collected by the Investigating Officer during investigation it is evident that victim in her own statement admitted that she was in love with the Applicant and they decided to marry. However, the

parents of the victim opposed, which resulted in fleeing away from the house.

4. Applicant is in jail from last about four years which is a substantial period of incarceration. There is no progress in trial and even the charge is not framed. Thus, the pace with which the trial is proceeding, there is no end to the trial in sight.

5. Learned APP and learned counsel for the victim have strongly opposed the application on the ground that offense is serious.

6. Considering the statement of victim it is evident that there was a love affair and both of them had decided to marry and further considering the age of the Applicant and the fact that it is unlikely that trial will be concluded in near future, I am of the opinion that the Applicant is entitled for grant of bail.

7. At this stage learned APP and learned counsel for Respondent no.2 expressed an apprehension that if the Applicant is released on bail he may pressurize the victim or the prosecution witnesses. The said apprehension can be addressed by imposing certain stringent conditions. Learned counsel for Applicant on instructions makes a statement that Applicant is ready to abide by any condition including condition that he will not enter into Pune City till conclusion of trial except attending trial. The statement is accepted.

8. Hence, I pass following order :

ORDER

(i) Bail Application is allowed and disposed off;

(ii) It is directed that the applicant shall be released on bail in Crime No.905 of 2020 registered with Wanwadi Police Station,

Pune, for the offences punishable under Sections 363, 376, 376(3) of Indian Penal Code r/w Sections 4, 8, 12 of Protection of Children from Sexual Offences Act, 2012 on furnishing PR.Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;

(iii) The Applicant shall not enter into territorial jurisdiction of Pune City till conclusion of trial, except for trial;

(iv) The Applicant shall provide his address and name of nearby Police Station to the Investigating Officer and attend said Police Station on 1st day of every month between 10.00 a.m and 11.00 a.m till conclusion of 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 for cancellation of bail if the applicant breaches any condition or misuses the liberty or 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.

(ANIL S.KILOR, J.)

MST