

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

CRIMINAL BAIL APPLICATION NO. 2007 OF 2024

Kanhaiya Vedpal

...Applicant

Vs.

The State of Maharashtra and Others

...Respondents

Mr. Karman Shaikh with Deepak Gupta, Sanket K. i/b Changdev S. Shingade, Advocate for Applicant.

Mr. Rahil Ahmed Siddiqui, Appointed Advocate for Respondent No. 2- Victim

Mrs. S. M. Yadav, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 26th SEPTEMBER, 2024

PC:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicants are seeking bail in Crime No. 217 of 2022 registered with Yavat Police Station, Pune for the offence punishable under Sections 376(2)(n), 363, 366-A of the Indian Penal Code, 1860 and Section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
- 3) Having gone through the charge-sheet and the material available on record, prima facie it appears that there was a love affair and because of the same, the victim stayed with the applicant for 21 days

and did not raise any alarm or did not inform the alleged incident to the family members. After the police arrested the applicant, the victim in her statement stated that against her wish, she went with the applicant.

4) The applicant is in jail from 27th March, 2022 i.e. more than two years and in the meantime, the charge-sheet has been filed. In the above-referred backdrop, though the learned APP and the learned Counsel for the respondent No. 2 are opposing the application, I am of the opinion that since further custody of the applicant is not necessary and as there is unlikelihood that the trial will be concluded in near future, the applicant is entitled for grant of bail. Accordingly, 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. 217 of 2022 registered with Yavat Police Station, Pune for the offence punishable under Sections 376(2)(n), 363, 366-A of the Indian Penal Code, 1860 and Section 8 and 12 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 solvent surety in the like amount;
- (iii) The Applicant shall not enter into territorial jurisdiction of Yavat Police Station till conclusion of trial, except on the date of 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 and 16th day of every month between 12.00 noon and 2.00 pm till conclusion of trial, except on the date of trial;

(v) The applicant shall not contact with victim and shall 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 in case Applicant breaches any of the conditions and/or 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.

Fees of the appointed advocate Mr. Rahil Ahmed Siddiqui, Advocate for Respondent No. 2 to be quantified as per the Rules.

[ANIL S. KILOR, J.]