

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2382 OF 2024

Milind @ Pintu Kiran Eakmalle ... Applicant

V/s.

State of Maharashtra and Anr. ... Respondents

Mr. Hrishikesh Shinde, for the applicant.

Ms. Priyanka Rane, APP, for the Respondent / State.

Mr. Rahul Pote, for the respondent no. 2.

CORAM : ANIL S. KILOR, J.

DATE : 29TH 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.42 of 2024, registered with Sadar Bazar Police Station, Solapur for the offences punishable under Sections 377, 354, 323, 504, 506 r/w. 34 of the Indian Penal Code and Section 4, 8 and 12 of the Protection of Children from Sexual Offences Act (POCSO for short).
3. From the record it appears that there is a dispute between both the families i.e. family of the applicant and the family of the victim. Earlier two FIRs were filed by the relatives and the applicant

against the family of the victim and thereafter the present offence came to be registered.

4. The learned counsel for the applicant submits that the present complaint is a counter blast.

5. In the above referred backdrop, I have gone through the charge-sheet and the relevant material collected by the IO during the investigation from which it is evident that the medical evidence prima facie does not support the case of the prosecution case brought on record by way of supplementary statement of the victim, thus, it creates doubt about the prosecution case.

6. The applicant is in jail from about 8 months and since the charge-sheet has been filed, though the learned APP is strongly opposing the applicant, I am of the opinion that further custody of the applicant is not required. It appears that both the parties have settled the matter as stated by learned counsel for the victim.

7. In that view of the matter, the application is allowed.

ORDER

- (i) Criminal Bail Application is allowed and disposed off;
- (ii) It is directed that the applicant shall be released on bail in Crime No.42 of 2024, registered with Sadar Bazar Police Station, Solapur for the offences punishable under

Sections 377, 354, 323, 504, 506 r/w. 34 of the Indian Penal Code and Section 4, 8 and 12 of the Protection of Children from Sexual Offences Act (POCSO for short), on furnishing PR.Bond of Rupees Twenty-five Thousand with one solvent surety in the like amount;

iii) 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;

iv) Liberty is granted to the State for cancellation of bail if the applicant commits similar offence;

v) 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)