

V/s.

The State of Maharashtra and Anr. ... Respondents

Ms. Suvarna Yadav, for the applicant.

Ms. Veera Shinde, APP, for the Respondent / State.

Mr. Fakhruddin Khan, for respondent no. 2, through legal aid.

CORAM : ANIL S. KILOR, J.

DATE : 22ND NOVEMBER, 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.274 of 2020, registered with Chiplun Police Station, Dist: Ratnagiri, for the offences punishable under Sections 376 (2) (n), 366(A) and 370 (4) of the Indian Penal Code and Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3, 4, 5 and 7 of the Immoral Traffic (Prevention) Act, 1956.
3. Having gone through the charge-sheet and the relevant material collected by the IO during the investigation, it is evident that

there are total 11 accused persons and the applicant is the accused no. 10. As far as the applicant is concerned, there is nothing on record to show that how he came in contact with the victim before the alleged incidence. Even this fact is not mentioned in the statements of the victim. It is important as, in respect of the accused nos. 5, 6, 7, 8 and 9 there are specific allegations that they went with the victim in different hotels as customers. The only allegation against the applicant is that he committed sexual assault on the victim in a forest like area. There is nothing on record to show that, the victim pointed out the spot of incident. Whereas, it is argued by the learned APP that the spot was disclosed by the applicant.

4. In the circumstances, in absence of sufficient prima facie evidence against the applicant in the above referred respect, I am of the opinion that the applicant is entitled for grant of bail. Further, considering his period of incarceration which is 3 years 11 months, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on bail in Crime No.274 of 2020, registered with Chiplun Police Station, Dist: Ratnagiri, for the offences punishable under Sections 376 (2) (n), 366(A) and 370 (4) of the Indian Penal Code and Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3, 4,

5 and 7 of the Immoral Traffic (Prevention) Act, 1956, on furnishing P.R.Bond of Rupees Twenty-Five Thousand with one local surety in the like amount;

iii) The applicant shall attend the concerned Police Station on 1st day of every month between 10.00a.m. to 11.00 a.m., till the conclusion of the trial except on the date of trial;

iv) 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;

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

vi) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

5. The application is disposed of .

(ANIL S. KILOR, J)