

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

CRIMINAL BAIL APPLICATION NO. 3468 OF 2024

Balkrushna Chandar Murha ...Applicant

Vs.

The State of Maharashtra and Others ...Respondents

Ms. Kavita Anchan, Advocate for Applicant.

Ms. Priyanka S. Rane, APP for State-Respondent.

Mr. Gaurav Pandey, Advocate for Complainant.

CORAM:- ANIL S. KILOR, J.

DATED:- 19th DECEMBER, 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. 141 of 2020 registered with Jawhar Police Station, Dist.- Palghar for the offences punishable under Sections 363 and 376(2)(F)(I)(J)(N) of the Indian Penal Code, 1860 and Section 4 of the Protection of Children From Sexual Offences Act, 2012.
- 3) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it is evident that prima facie there was a love affair between the applicant and the victim.

- 4) The applicant is in jail from last four years. Today, the victim is personally present in the Court and she has been identified by her Advocate. The victim does not want to oppose the present application.
- 5) Be that as it may, considering the long period of incarceration and the fact that there is no end of the trial in sight, I am of the opinion that in view of the judgment of the Hon'ble Supreme Court of India in the case of Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari vs. State of Uttar Pradesh¹, the applicant needs to be released on bail.
- 6) The learned APP while strongly opposing the application has pointed out that the applicant and the victim are resident of same locality and if the applicant is released on bail, he may pressurise the prosecution witnesses or the victim.
- 7) Thereupon, the learned Counsel for the applicant, on instructions, makes a statement that the applicant is ready to abide by any condition including not to enter into territorial jurisdiction of Taluka Jawhar, District Palghar.
- 8) 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. 141 of 2020 registered with Jawhar Police Station, Dist.- Palghar for the offences punishable under Sections 363 and 376(2)(F)(I)(J)(N) of the Indian Penal Code, 1860 and Section 4 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 the territorial jurisdiction of Taluka Jawhar, District Palghar till the conclusion of the trial except on the date of trial;
- iv. The applicant shall provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on 1st day of every month between 10.00 am to 11.00 am, till the conclusion of the 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 to apply 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.
- viii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]