

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

CRIMINAL BAIL APPLICATION NO.3601 OF 2024

Tushar Bhausahab Kamble

...Applicant

Vs.

The State of Maharashtra and Others

...Respondents

Mr. Akshay Deshmukh with Mr. Sanket Kadam and Sumit Chaudhary,
Advocate for Applicant.

Mr.P P Deokar, APP for State-Respondent.

Mr. V. H. Narvekar, Appointed Advocate for Respondent No. 2.

CORAM:- ANIL S. KILOR, J.

DATED:- 13th 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. 730 of 2023 registered with Walchandnagar Police Station, Pune for the offences punishable under Sections 363, 376(2)(j), 376(2)(n) of the Indian Penal Code, 1860, Sections 4, 6, 8, 12 of Protection of Children from Sexual Offences Act, 2012 and Sections 9 and 12 of the Prohibition of Child Marriage Act, 2006.

3) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it is evident that there was a love affair between the applicant and the victim and they also performed the marriage. The applicant is in jail from last more than one year and in the meantime, the charge-sheet has been filed.

4) Thus, considering the nature of allegations and the evidence available on record coupled with the fact that there is no possibility that the trial will be concluded in near future, I am of the opinion that further custody of the applicant is not required.

5) In the circumstances, though the learned Counsel for the learned APP and the learned Counsel for the respondent No. 2 strongly opposed the application, 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. 730 of 2023 registered with Walchandnagar Police Station, Pune for the offences punishable under Sections 363, 376(2)(j), 376(2)(n) of the Indian Penal Code, 1860, Sections 4, 6, 8, 12 of Protection of Children from Sexual Offences Act, 2012 and Sections 9 and 12 of the Prohibition of Child Marriage Act, 2006, on furnishing PR. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

iii The applicant 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;

- 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 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 exempted by the Trial Court for any reason.
- vii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]