

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

ANTICIPATORY BAIL APPLICATION NO. 418 OF 2024

Balaji Taterao Kamble

.... Applicant

Versus

The State of Maharashtra

.... Respondent

YUGANDHARA
SHARAD
PATIL

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YUGANDHARA
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Mr. Abhishek S. Nandimath a/w Suyash Khose, for the applicant.
Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.
DATE : 13th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 538 of 2023 registered at Vaduj Police Station, District Satara on 17/11/2023. Initially the FIR was lodged under section 363 of the Indian Penal Code. Thereafter, Sections 366, 376(2)(n) of the Indian Penal Code and Sections 4,5(1)(6) and 17 of the Protection of Children from Sexual Offences Act, 2012 (for short,POCSO Act) were added.

2. Prosecution case is that the informant's daughter, who was about 15 years and 10 months of age in December 2023, was kidnapped by the main accused Sangram on 16/11/2023. She was taken in a car by the main accused Sangram and his friends Yash and Ganesh. On 17/11/2023, at around 5.00 a.m. they reached at Vakad. The accused Sangram and victim stayed in a lodge. There they had their physical relations. The allegations against the applicant are that he was conducting the business of that lodge. He was present at the time when the accused Sangram and victim booked a room in the lodge. It is alleged that the applicant did not verify the age of the victim and thus abetted the commission of offence under POCSO Act

3. Learned counsel for the applicant submitted that the main accused had booked his lodge on the pretext that they had to appear for some examination and considering their difficulty, after verifying Aadhar card of the accused, the applicant has provided them a room. He submitted that at the highest it is case of negligence and offences under POCSO would not be applicable to

the case of the applicant. He further submitted that the custodial interrogation of the applicant is not necessary.

4. Learned APP submitted that the applicant has not attended the police station and is not co-operating with the investigation.

5. Considering these submissions, the applicant can be protected for the time being with directions to co-operate with the Investigation. Hence the following order.

ORDER

- (i) In the event of his arrest in connection with C.R. No. 538 of 2023 registered with Vaduj Police Station, District Satara, till the next date, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend concerned Police Station from 26/02/2024 to 28/02/2024

between 01.00 p.m. to 05.00 p.m. and thereafter
as and when called.

- (iii) The applicant shall cooperate with the investigation.
- (iv) Stand over to 14/03/2024.

(SARANG V. KOTWAL, J.)