



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 418 OF 2024

BALAJI TATERAO KAMBALE

...APPLICANT

VS

STATE OF MAHARASHTRA AND ANR

...RESPONDENTS

...

Adv. Suyash Nitin Khose i/b Abhishek Nandimath a/w Chinmay Godse
and Siddharth Sutaria for the Applicant.

Adv. Anand S. Shalgaonkar, APP for the State.

Adv. M. A. Gowalani for Respondent No. 2.

PSI Sachin Dagadu Bhilari.

...

CORAM : RAJESH S. PATIL, J.

DATED : FEBRUARY 25, 2025

P.C.:

1. The present application is filed by accused no. 4 who is termed as manager of the lodge in which the accused no.1 along with the victim girl had stayed for a day. Accused nos. 1 to 3 have been granted regular bail by the trial Court. Chargesheet has already been filed against accused nos. 1 to 3.

2. This Court by its order dated 13 February, 2024, granted the interim protection to the present applicant. For ease of reference, the order dated 13 February 2024 is reproduced herein below :

“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 abetted 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 de 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.”

3. The counsel for the applicant submits that on 26 February 2024 to 28 February 2024, the present applicant attended the concerned Police Station.
4. The learned APP submits that the statement of the applicant has been recorded and he has co-operated with the Investigating Officer by furnishing relevant documents including the copy of the register of the lodge which he runs.
5. Taking into consideration the fact that the chargesheet has already been filed against accused nos. 1 to 3 and the fact that the present applicant is co-operated with the police authority and the interim protection was granted to him one year back, *prima facie* the case is made out to confirm the order passed by this court. Accordingly the order dated 13 February 2024 is hereby stands confirmed with the following conditions.

Order

(i) Anticipatory Bail Application is allowed.

(ii) The applicant be released on bail in C.R. No. 538/2023 registered with Vaduj City Police Station on furnishing a PR bond of the sum of Rs. 30,000/- (thirty thousand only) and one or two sureties in the like amount to the satisfaction of the jurisdictional Court.

(iii) The applicant shall remain present at Vaduj Police

Station as and when called by the Investigating Officer.

(iv) The applicant shall not tamper with the prosecution evidence. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing the facts to Court or any police officer.

(v) On being released on bail, the applicant shall furnish his contact number, E-mail id and residential address to the investigating Officer and shall keep him updated, in case there is any change.

6. **Anticipatory Bail Application is accordingly disposed of.**

(RAJESH S. PATIL, J.)