

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

CRIMINAL BAIL APPLICATION NO. 2638 OF 2025

Vijay Pralhad Kakade ...Applicant
Versus
The State of Maharashtra And Anr. ...Respondents

Ms. Suvarna Yadav (through VC) with Mr. Sachin M. Bhavar for the applicant.

Mr. Amit Singh for respondent no.2.

Ms. Veera Shinde APP for the State.

Mr. V. V. Shinde, HC, Chiplun Police Station, present.

Mr. Fulchand Mengade, PI, Chiplun Police Station, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th SEPTEMBER 2025

P.C.

1. By this application, applicant is seeking regular bail in Crime No.274 of 2020 registered with Chiplun Police Station, District Ratnagiri for the offences punishable under Sections 376(2)(n), 366(A) and 370 of the Indian Penal Code (for short “IPC”) and under Sections 4, 8 & 12 of the Protection of Children From Sexual Offences Act, 2012 (for short “POCSO”) as well as Section 3, 4 & 5 of the Immoral Traffic (Prevention) Act, 1956.

2. It is prosecution’s case that accused No.1 forced minor victim girls for prostitution. It is alleged that accused No.1 sexually assaulted the minor victim girls and thereafter co-accused sexually

assaulted the minor victim at two hotels. Out of two hotels, applicant is the owner of one hotel.

3. It is contention of learned counsel for applicant that applicant is behind bar for more than four and half years. There are no allegations against the applicant that he sexually assaulted the victim. The other hotel owner against whom the same allegations are levelled like the applicant has been released on bail. Hence, applicant is entitled for bail on principle of parity and requested to allow the application.

4. It is contention of learned APP and learned counsel for Respondent No.2 that charge of human trafficking is applied in the present case. The applicant is the owner of lodge, where minor victims were sexually assaulted by accused No.1 and co-accused on several times. Applicant was aware about the age of victim. In spite of that, he did not prevent the co-accused from doing such act, which shows the involvement of the applicant in the said crime. The trial is in progress. Some of the prosecution witnesses have been examined. If applicant is released on bail, he may threaten the victims or prosecution witnesses. Hence, requested to reject the application.

5. I have heard all learned counsels, perused the FIR and documents produced on record. The allegations against the applicant

are that the victims were sexually assaulted by the co-accused in the lodge of the applicant. The other lodge owner has been released on bail against whom the same allegations are levelled like applicant. The Applicant is behind bar for more than four years and six months. There is no progress in trial. Considering these facts, applicant is entitled for bail on the principle of parity.

6. In view of the above, I pass the following order :

ORDER

- (i) Application is allowed;
- (ii) The applicant be enlarged on bail in Crime No.274 of 2020 registered with Chiplun Police Station, District Ratnagiri, on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant be released on cash bail of Rs.25,000/-.
- (iv) The applicant shall furnish surety within one month after release from the jail.
- (v) The applicant shall not tamper with the evidence or shall not attempt to influence or contact the victim or witnesses or any person concerned with the case.

(vi) The Applicant shall attend the Trial Court dates, regularly.

7. The application is allowed in the aforesaid terms and is accordingly disposed off.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)