

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

BAIL APPLICATION NO. 5045 OF 2024

Tarachand Angad Tithe	...Applicant
Versus	
The State of Maharashtra & Anr.	...Respondents

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Mr. Zakir Hussain, Appointed Advocate for the Applicant.

Mr. Swapnil Walve, A.P.P. for the Respondent – State.

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CORAM	:	N. R. BORKAR, J.
DATE	:	25th APRIL, 2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.274 of 2020 registered at Chiplun Police Station, District : Ratnagiri, for the offences punishable under Sections 376(2)(n), 366(A) and 370(4) of the Indian Penal Code (for short 'IPC') Sections 4, 8 and 12 of the Protection of the Children from Sexual Offence Act (for short 'POCSO Act') and Sections 3, 4, 5 and 7 of the Immoral Traffic (Prevention) Act, 1956 (for short 'PITA').

3. The applicant is Accused No.6 in the aforesaid crime.
4. Accused No.1 Wasim was the friend of victim's cousin sister. During the Covid lockdown in 2020, Accused No.1 had called the victim and her cousin sister to Chiplun from Kolkata on the pretext of giving them a job at the papermill.
5. It is alleged that on 15.10.2020, the victim was alone at home as her sister had gone out for work. At that time, Accused No.1 forcibly committed sexual intercourse with the victim and threatened to kill her sister if she disclosed the incident to anyone. It is alleged that, thereafter, from 22.10.2020 onwards, Accused No.1 forcibly took the victim to various hotels and forced her into prostitution activities with numerous people. The allegations against the applicant are that he too committed forcible sexual intercourse with the victim at one of the hotels.
6. The bail is sought on the ground of parity. The learned counsel for the applicant in support of the said ground has placed on record the order passed by this Court dated 12.06.2024 in Criminal Bail Application No.1192 of 2022. By the said order, this Court has released the co-accused Avinash

Dattaram Shibe on bail. The learned counsel for the applicant submits that even otherwise, the applicant is in jail for four and half years and there are no other criminal antecedents against the applicant.

7. On the other hand, the learned A.P.P. for the Respondent-State submits that the trial has already commenced. It is submitted that at this stage, the present application may not be entertained.

8. This Court has recently by order dated 21.01.2025 in Criminal Bail Application No.3319 of 2024 has released one of the co-accused. Even otherwise the applicant is in jail for four and half years and there are no criminal antecedents against him. Considering the said facts, I am inclined to release the applicant on bail.

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No.274 of 2020 registered at Chiplun Police Station, District : Ratnagiri, for the offences punishable under Sections 376(2)(n), 366(A) and 370(4) of the Indian Penal Court (for short 'IPC')

Sections 4, 8 and 12 of the Protection of the Children from Sexual Offence Act (for short 'POCSO Act') and Sections 3, 4, 5 and 7 of the Immoral Traffic (Prevention) Act (for short 'PITA') on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

- (iii) The applicant shall not tamper with the prosecution evidence;
- (iv) The applicant shall not commit any other crime;
- (v) Application stands disposed of accordingly.

(N. R. BORKAR, J.)