

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 201 OF 2015**

Vijay Premjibhai Parmar

...Applicant

Versus

The State (at the instance of
Dindoshi Police Station)

...Respondent

Mr. Milan Desai i/b Mr. T. R. Patel for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

THURSDAY, 5TH MARCH, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 361 of 2014 registered with the Dindoshi Police Station for the alleged offence punishable under Section 376 of the Indian Penal Code.
3. According to the prosecution, pursuant to the information received from the Police Officers, at the Nair Hospital, the Officers of the

Dindoshi Police Station visited the Nair Hospital and made inquiries with the prosecutrix and her parents. It is submitted that the prosecutrix was initially admitted to the Jagjivanram Western Railway Government Hospital and was treated for Malaria and Typhoid and thereafter, as she had pain in her abdomen, she was shifted to Nair Hospital for the purpose of doing her sonography. On 26th July, 2014, the sonography of the prosecutrix revealed that, she was pregnant. The police of the Nair Hospital informed the Dindoshi Police Station that the prosecutrix, who was a minor girl aged 17 years at the relevant time, was pregnant. It is alleged by the prosecution, that the prosecutrix and the applicant were acquainted with each other, and on the assurance of marriage, the prosecutrix had sexual relations with the applicant at the house of her uncle. It appears that the police themselves registered an FIR as against one Vijay (the full name was not given as the same was not known to the prosecutrix) on the basis of the information supplied by the prosecutrix.

4. Learned Counsel for the applicant states that in the present case, the complainant is the police officer who has lodged a complaint, pursuant to the information received from Nair Hospital with regard to the

prosecutrix being aged 17 years and being pregnant and on the basis of information supplied by the prosecutrix. He submits that neither the father nor the mother of the prosecutrix, nor the prosecutrix has lodged the complaint, and have in fact stated in their statements that they do not wish to lodge a complaint. He relied on the copy of the roznama which is at page 21 of the application, wherein, it is recorded that the prosecutrix did not have any grievance against the applicant.

5. Learned A.P.P opposed the bail application. Be that as it may, considering the peculiar facts of the case, the fact that neither the prosecutrix nor her parents have given the full name of the applicant and the fact tht they have stated in their statements that they do not wish to lodge any complaint against the applicant and the fact that investigation is complete and charge-sheet is filed, the applicant deserves to be enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant Vijay Premjibhai Parmar be released on bail in connection with C.R. No. 361 of 2014 registered with Dindoshi

Police Station, on executing PR Bond in the sum of Rs. 15,000/- with one or two solvent sureties in the like amount;

(ii) The applicant shall not attempt to contact the prosecutrix or any witness concerned with the case;

(iii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Dindoshi Police Station;

(iv) The applicant shall cooperate with the conduct of the trial;

(v) The applicant shall attend Dindoshi Police Station once in a month, on the first Saturday of every month between 10:00 a.m. to 11:00 a.m. till the conclusion of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

6. The aforesaid observations are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. Parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.