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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1262 OF 2016

Harshdipsing Kisansingh Siddhu ..Applicant.

V/s.

State of Maharashtra ..Respondent.

Mr.Priyal G.Sarda for the applicant.

Mr.S.S.Pednekar, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 29TH JUNE, 2016

P.C. :-

1. The applicant / accused in Crime No.139/2016 for offences punishable under section 376(I) and 328 of the Indian Penal Code and sections 3 and 4 of the Protection of Children from Sexual Offences Act, 1912 registered with Deccan Police Station, Pune is seeking is release on bail.

2. Heard the learned counsel for the applicant as well as the learned APP.

3. Perused the F.I.R. as well as the papers of

investigation. Perusal of the F.I.R. lodged by the prosecutrix goes to show that the alleged act of sexual intercourse by the present applicant was consensual act. Averment in the F.I.R. shows that after getting themselves acquainted with each other, the informant and applicant developed intimacy. Upon a call by the present applicant, by giving false reasons to her mother, the informant came all the way from Kolhapur to Pune to reside with the applicant. She has chosen to be with him at his own flat when there was nobody else in that flat. Thereafter, it is alleged by the prosecutrix that by offering spiked cold drink, the applicant committed rape on her. This is alleged to have happened in May, 2012. Perusal of the F.I.R. further shows that thereafter also both the parties indulged in physical intimacy. Even after abortion of the informant, she continued to have sexual relations with the present applicant.

4. Considering the nature of the allegations against the present applicant and the fact that even at the time of the first incident, the prosecutrix was on the verge of attaining majority, pre-trial detention of the applicant is not warranted and hence the order:-

- (i) The applicant / accused in Crime No.139/2016 for offences punishable under section 376(I) and 328 of the Indian Penal Code and sections 3 and 4 of the Protection of Children from Sexual Offences Act, 1912 be released on bail on executing P.R. bond in the sum of Rs.10,000/- with one or more surety in the like amount;
- (ii) As a condition of this order, the applicant / accused shall attend Deccan Police Station, Pune as and when reasonably called by the Investigating Officer till the filing of the charge-sheet;
- (iii) The applicant / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him / her from disclosing such facts either to the Court or to any police officer and that he shall not tamper with the evidence;
- (iv) The applicant / accused shall co-operate for expeditious disposal of the trial;

- (v) The applicant / accused shall not commit an offence similar to the offence of which he is accused or suspected of commission;
- (vi) The application is disposed of accordingly.

(A.M.BADAR, J.)