

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

BAIL APPLICATION NO. 1033 OF 2017

Snehalkumar P. Waghmare

.. Applicant

Vs.

The State of Maharashtra

.. Respondent

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Mr.Niranjan Mundargi i/b. Mr.Vikram Sutaria, Advocate for the Applicant.

Ms.A.A. Takolkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : AUGUST 1, 2017.

P.C. :

This is an application for bail. The offence is registered with Dindoshi Police Station, Mumbai vide C.R. No.386 of 2016 for the offences punishable under Sections 376, 509, 323 and 506 of IPC read with Sections 4, 5, 7 and 8 of the POCSO Act as well as Section 66(D), 66(E) and 67 of Information Technology Act.

2 The applicant was arrested on 27th May, 2016. On completing investigation, Charge-sheet has been filed.

3 The prosecution case is that the victim girl was minor at the time of the incident. The applicant and the victim were acquainted with each other. They had developed the friendship on Face-Book and, thereafter, on 21st October, 2013 the applicant had forcefully sexual intercourse with victim. It is alleged that the applicant had clicked some photographs and video of the victim and on the basis of the same, he was threatening her and repeatedly had physical relationship with the victim. In August 2014, the applicant again had physical relationship with victim and also clicked photographs. In February 2015, the victim learnt that the applicant is married person. The wife of applicant (accused no.2) and applicant forwarded the photographs to mother and aunt of victim on their mobile phone. FIR has been lodged on 28th April, 2016. Presently the victim is about 20 years old.

4 Perused the documents on record. It is apparent that there was relationship between the victim and the applicant. The alleged sexual intercourse was committed on 21st October, 2013 and August 2014. They were acquainted with each other since 2013 and FIR was lodged after three years. It appears that the alleged photographs of the victim were clicked. They were

forwarded by the wife of the applicant to the aunt and mother of the victim. From the statements, it appears that accused no.2 had intended to inform the mother and the aunt that the victim is indulging in such activities with her husband and that the issue should be resolved. There is no evidence that the photographs were distributed to any other person. The applicant is in custody from 26th May, 2016. Charge-sheet has been filed. The age of the victim at the time of incident appears to be around 17 years. It is true that the victim was minor at the time of incident. But, considering the facts and circumstances, bail can be granted to the applicant.

5 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.1033 of 2017 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No.386 of 2016, registered with Dindoshi Police Station, Mumbai, on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or more sureties in the like amount;

- (iii) The applicant is directed to attend Dindoshi Police Station, Mumbai, once in a month on the first day of the month between 11:00 a.m. to 1:00 p.m., till further orders;
- (iv) The applicant is directed to attend the trial Court proceedings during the hearing of the case;
- (v) Bail Application is disposed of accordingly.

(PRAKASH D. NAIK, J.)