

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

CRIMINAL BAIL APPLICATION NO. 1433 OF 2017

Akhileshkumar Dineshwar Yadav

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. K. M. Tripathi for the applicant.

Mr. Deepak Thakare, APP for the respondent - State.

CORAM : PRAKASH D. NAIK, J.
DATE : 14 JULY, 2017

P.C. :

1. This is an application for bail in connection with C.R. No.I-672 of 2016 registered with Kashimira Police Station, Thane rural. The offences were registered under sections 376 of IPC and section 4 of POCSO Act.

2. The prosecution case is that there was affair between victim girl and the complainant. It is the prosecution case that on promising the applicant would marry the victim girl, he had sexual intercourse with the victim. She was also pregnant. Subsequently, it was noticed that the mother of the victim found her daughter / victim talking to the applicant and thereafter questioned her as to whom she was

talking. It is alleged that the applicant came forward and told mother of the victim that he was having affair with the victim and he was willing to marry her. It is alleged by the prosecution that the applicant is already married having one child. The FIR was lodged in the aforesaid Police Station. The applicant was arrested on 27th November, 2016.

3. Learned advocate for the applicant submitted that it was consensual relationship although the victim was minor. The victim was aged about 17 years & 4 months at the time of the lodging the FIR. It is submitted that the investigation is complete and chargesheet has been filed and further custody of the applicant is not necessary.

4. Learned APP opposed the application for bail. It is submitted that the victim was minor at the time of incident. The applicant had induced her to have physical relationship and the pregnancy was terminated since the victim was found HIV positive. It is submitted that the accused have exploited the young girl and bail should not be granted.

5. Perused the chargesheet. It is true that the victim was minor at

the time of incident. She was aged about 17 years & 4 months. It is admitted that there was relationship between victim and the applicant. The investigation is complete and the chargesheet has been filed. Taking into consideration aforesaid circumstances, bail can be granted to the applicant.

:: ORDER ::

- (i) Bail Application No.1433 of 2017 is allowed.
- (ii) The applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/-(Rupees Twenty Five Thousand only.) with one or more sureties in the like amount.
- (iii) The applicant is directed to report Kashimira Police Station, Thane rural once in a month on the first Saturday of the month between 11.00 am to 1.00 pm till further orders.
- (iv) Application stands disposed of.

[PRAKASH D. NAIK, J.]