

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

BAIL APPLICATION NO. 1817 OF 2017

Jaydev @ Raju Raghuji Mate **... Applicant**

V/s.

The State of Maharashtra **... Respondent**

Mr. V.V. Purowant for the Applicant.

Mr. S.R. Agarkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 12th SEPTEMBER, 2017

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. 355/2017 dated 15.05.2017 registered with Sangola Police Station, District Solapur under Sections 376, 363, 420, 504 read with Section 34 of Indian Penal Code and Sections 8 and 12 of Protection of Children from Sexual Offences Act.

2 Heard the learned Counsel for the Applicant, learned APP and perused the charge-sheet annexed to the application.

3 The First Information Report is lodged by Smt. Pradnya, aged about 27 years. It is the case of prosecution that the Applicant along with other accused persons induced the first informant and other victim ladies to join a local drama company (Tamasha) and forced them to dance in the same (Tamasha). The first

informant has made allegation that the Applicant herein committed rape on her 20 to 25 days prior to lodging of First Information Report. As one of the alleged victim girls was aged about 16 years, the provisions of Protection of Children from Sexual Offences Act are applied to the present crime. During the course of investigation, Police arrested the Applicant on 15.05.2017. After completion of investigation, police have submitted charge-sheet.

4 The record indicates that, the first informant Pradya was major aged about 27 years on the date of alleged offence and has lodged First Information Report after about 20 to 25 days from the date of alleged incident. It appears that, first informant along with other accused Anu Netam had joined the drama company (Tamasha) of Smt. Kamaltai and took the training of dancing. That the present crime is registered on 14.05.2017 i.e. after about two months from the joining the said drama company. The statements of other alleged victim girls do not mention about any sexual harassment at the hands of Applicant and other accused. That the alleged victim girls had joined the said drama company willingly.

5 In view thereof, according to this Court, the Applicant can be released on bail.

6 Hence, the following order:-

i) The Applicant shall be released on bail in C.R. No. 355/2017 dated 15.05.2017 registered with Sangola Police Station, District Solapur, on his

furnishing PR Bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii) After his release from the jail, the applicant shall attend the Sangola Police Station once in month i.e. on every 1st Monday of the said month between 11.00 a.m. to 2.00 p.m.

iii) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.

iv) The Applicant shall also attend all the dates before the Trial Court.

v) Any two consecutive defaults in complying with the afore stated conditions will attract the provision of cancellation of bail.

vi) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)