

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

BAIL APPLICATION NO. 1878 OF 2017

Kunal Sudhir Palande

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. Aniket Nikam i/b Ashish Satpute for the Applicant.

Mr. Prashant Jadhav, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 04th OCTOBER, 2017

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. 180 of 2017 dated 17.02.2017 registered with Yerwada Police Station, District Pune under Sections 376(2)(N), 354(A), 323, 504, 506 of Indian Penal Code and Section 5(L), 6,7, 8 of the Protection of Children from Sexual Offences Act.

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

The First Information Report is lodged by the victim girl herself, who was aged about 16 years and 5 months at the relevant time. It is alleged that the victim girl was having love affair with the Applicant which resulted into physical relationship. That the Applicant did not like victim girl speaking with other boys and used to assault her on the said count. That on 16.02.2017, the Applicant had

been to house of victim girl and questioned the victim girl as to why she was not meeting him and assaulted her. The parents of the victim girl witnessed the said incident and thereafter, the present crime is registered.

3 It is to be noted here that apart from the fact mentioned in the First Information Report that the victim girl was having love affair with the Applicant, she while narrating the history to the medical officer has also stated that she was having love affair with the present Applicant since four years prior to the lodgment of First Information Report. That the Applicant had promised her to marry and in furtherance thereof, they had physical relationship. After perusing the documents on record, prima facie, it appears that victim girl has attained the age of understanding and discrimination on the date of lodgment of crime. The age of the Applicant is about 26 years and it is submitted that there are no antecedents at his discredit.

4 In view of the above, the Applicant can be released on bail.

Hence, the following order:-

- i) The applicant be released on bail in C.R. No. 180 of 2017 dated 17.02.2017 registered with Yerwada Police Station, District Pune 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 Yerwada Police Station once in month i.e. on every 1st Monday of the month between 11.00 a.m.

to 2.00 p.m.

- iii) The applicant shall also attend all dates before the Trial Court.
- iv) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.
- v) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.
- vi) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)