

Dond

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

BAIL APPLICATION NO. 2413 OF 2017

Vikas Rajendra Chavan

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Aniket Nikam i/b Mr. Aashish Satpute for Applicant.

Ms. Rutuja Ambekar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 8th NOVEMBER 2017

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 73 of 2017 dated 15.5.2017 registered with Ranjangaon Police Station District- Pune under Sections 376(I), 506 of the Indian Penal Code and under Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2] It is the prosecution case that, the applicant under the pretext of performing marriage with Miss.Dipali S. Makar, committed an act as contemplated under Section 376 of the Indian Penal Code. That the first informant namely Miss. Dipali S. Makar was below 18 years of age at the

time of commission of offence and therefore the provisions of POCSO Act are also applied to the present crime. During the course of investigation, applicant came to be arrested on 15.5.2017 and after completion of investigation the police have submitted chargesheet.

3] Perused the record of investigation. The first informant namely Miss. Dipali Makar in her statement to the police has categorically admitted that the applicant initially proposed her to which she accepted and there was love-affair between them. As noted earlier, it is the allegation that, the applicant under the pretext of marriage, committed the act as contemplated under Section 376 of the Indian Penal Code against the first informant. Prima facie, it appears that on the date of incident the first informant had attained the age of understanding and discrimination. The applicant is aged about 22 years as of today and it is submitted that there are no antecedents at his discredit.

4] In view of the above, this Court is of the view that the applicant can be released on bail.

Hence, the following Order:

(i) The applicant be released on bail in CR No. 73 of 2017 registered with Ranjangaon Police Station District- Pune on his

furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.

(ii) After his release from the jail, the applicant shall attend the concerned Police Station on every 1st Monday of the month between 10.00 a.m. to 12.00 noon.

(iii) Applicant shall attend all dates before the Trial Court

(iii) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

5] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)