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

BAIL APPLICATION NO. 175 OF 2018

Shahrukh @ Sahil Shaeed Usman

... Applicant

V/s.

The State of Maharashtra .

...Respondent

Mr. S.R. Dubey for Applicant.

Mr. Ameet Palkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 8th FEBRUARY 2018.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No.I-176 of 2017 dated 27.5.2017 registered with Nerul Police Station, Navi Mumbai, under Sections 376, 506 of the Indian Penal Code and under Section 4, 5(j)(2), 8 and 12 of the Protection of .Children from Sexual Offences Act (POCSO Act).

2] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

3] With a view to protect the identity of the victim girl who is aged about 17 years and in consonance with the provisions of Section 228(A) of the Indian Penal Code, detailed narration of facts mentioned in the first information report and in the statement of the victim is hereby avoided.

4] It is the prosecution case that, the applicant was having friendly relations with the first informant. The applicant by giving promise to marry with the first informant, established physical relationship and when she became pregnant, he resiled from the said promise. During the course of investigation, the applicant came to be arrested on 27.5.2017 and after completion of investigation the police have submitted chargesheet.

5] The record indicates that, on the date of alleged offence, the first informant had attained the age of understanding and discrimination. It appears that after the first informant become pregnant and there were certain disputes inter-se between the applicant and first informant. In the premise the first information report is lodged.

The record further indicates that, the mother of the first informant has filed an affidavit before the Sessions Case stating that the applicant and the first informant were in love relation and were intending

to marry. As noted earlier, an inference can be drawn from the statements on record that on the date of incident the first informant had attained the age of understanding and discrimination. In view thereof, 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.I-176 of 2017 registered with Nerul Police Station, Navi Mumbai 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 jail, the applicant shall attend the concerned Police Station on every first Monday of the month between 11.00 a.m. to 1.00 p.m till the conclusion of trial.
- (iii) Applicant shall also attend all dates before the Trial Court.
- (iv) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)