

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.733 OF 2018
WITH
CRIMINAL APPLICATION NO.992 OF 2018

Pradeep Vasant Manohar, Age 19 years,
Occ.Service, R/o.Shivaji Nagar, Kasara,
Tal.Sahapur, Dist.Thane.
(Presently lodged at Aadharwadi Central
Prison, Kalyan).

Applicant

versus

The State of Maharashtra

Respondent

Mr.Nitin U. Jadhav for applicant.
Mr.M.G.Patil, APP, for State.
Mr.D.M.Koye, officer of Kasara Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 12th October 2018

PC :

1. This is an application for bail in CR No.I-51 of 2017 registered with Kasara Police Station, Kasara for offence under Section 376 of Indian Penal Code read with Sections 4 and 8 of Protection of Children from Sexual Offences Act, 2012. The FIR was registered on 20th August 2017.

2. The prosecution case is that the victim was aged about 17 years got acquainted with the applicant in January-2017. Thereafter the complainant and the accused-applicant started meeting each

other. The accused had allegedly promised her that he would marry her and took her in his house in January-2017 and on the promise of marriage, he had physical relationship with her. Subsequently it was noticed that the victim had conceived. The accused then refused to marry her. The accused then started avoiding her. On medical examination it was found that the victim was pregnant and subsequently the pregnancy was aborted.

3. On perusal of the FIR it appears that the accused and the complainant were acquainted with each other and they used to meet frequently. There was a physical relationship between them. The incidents had occurred from January-2017 onwards. The FIR was thereafter lodged on 20th August 2017.

4. Learned APP submitted that the accused had made false promises to the victim. She had conceived and DNA report supports the prosecution case. On instructions it is also submitted that the victim is already married with some other person and she is residing with her husband.

5. Learned counsel for applicant submitted that the relationship was consensual and the FIR was lodged belatedly. The applicant is arrested on 20th August 2017. The investigation is complete and charge sheet has been filed. The applicant is in custody for a period of about one year. Taking into consideration the aforesaid circumstances and the nature of relationship between the applicant and the victim, bail can be granted to the applicant.

6. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.733 of 2018 is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in connection with CR No.I-51 of 2017 registered with Kasara Police Station, Kasara, on furnishing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report Kasara Police Station once in a month on every first Saturday between 10 am and 12 noon till further orders;
- (iv) The applicant shall attend the Trial Court on the dates of hearing, unless exempted by the Trial Court for any reason;
- (v) The applicant shall not contact the victim in any manner;
- (vi) The applicant is permitted to furnish cash security in the sum of Rs.20,000/- for a period of four weeks;
- (vii) Criminal Application No.992 of 2017 is disposed off.

(PRAKASH D. NAIK, J.)

MST