

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1172 OF 2018**

Palash Mohan Randhir		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Ms. Shubhangi Parulekar i/by Mr. Ravindra Pachundkar for the Applicant.

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

Mr. Sutar, PSI Bibvewadi police station, Pune

Coram : Smt. Sadhana S. Jadhav, J.

Date : 13th July, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 439 Code of Criminal Procedure. The applicant herein is arrested on 6th June 2017 in Crime No.166 of 2017, registered at Bibvewadi Police Station, Pune for the offences punishable under Sections 376, 363, 427, 506 Indian Penal Code and Sections 5 and 6 of the Protection of Children from Sexual Offences Act. The investigation is completed and the charge-sheet is filed.

3 It is the case of the prosecution that on 6th June 2017, Ms. “X”, who was 19 years old at the time of registration of F.I.R. lodged a report alleging therein that when she was studying in P. Jog School at Manik Baug, Sinhgad Road, Pune, the present applicant was introduced to her through common friends. She used to regularly meet him. At that time, she was in 9th standard. She used to meet him before and after school hours. That they had got acquainted with each other. According to her, the applicant had solicited sexual favours from her. That he had threatened her that he would inform her parents and therefore she had obliged. It was her contention that they should have sexual relations only after marriage. However, he was adamant. That he had also taken her to the office of the Registrar of Marriages and they had filed an application for fixing the date for registration of marriage. According to her, she was coerced to go to the said office.

4 On the basis of the said allegations, Crime No.166 of 2017 is registered against the present applicant. The applicant is 23

years old boy. The statement of Ms. "X" was also recorded under Section 164 Cr.P.C. , in which she has specifically stated that on 2nd June 2017, at about 9.30 to 9.45 am, he had called her on the cellphone. She had not received it since her mother was at home. That the applicant had also called her on the cellphone of her mother, due to which her mother had become suspicious. It was, in these circumstances, she had disclosed to her mother about the whole incident and hence after due deliberation, the F.I.R. was lodged on 6th June 2017. The applicant has placed on record the Whatsapp chats between Ms. "X" and the present applicant. Certain intimate photographs have also been placed on record. There are love letters. It is pertinent to note that the investigating agency has recorded the statement of Sandip Deshpande, who is working as an agent in the office of Registrar of Marriages. He has specifically disclosed that on 31st May 2017, the present applicant and Ms. "X" had been to the office to register the marriage. That he had supplied forms, obtained their signatures and relevant documents required for registration of marriage. The date was fixed in the month of August

2017. In view of the papers of investigation and the material on record, it prima facie appears that the applicant was in deep love with Ms. "X". They had also intended to get married. That they were in love since Ms. "X", was in 9th standard. It appears that because of the incident dated 31st May 2016, the family had learnt about the love affair and Ms. "X" lodged the report at the behest of her parents. It is, in these circumstances that further incarceration of the applicant would be unwarranted. Hence, the applicant deserves to be enlarged on bail.

5 The observations are prima facie in nature and shall not be considered for discharge application or at the time of trial. Hence, the order :

ORDER

- i) The application is allowed.
- ii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.

(Smt. Sadhana S. Jadhav, J)