

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

BAIL APPLICATION NO. 2207 OF 2018

Amol @ Barkesh Dinkar Navghare

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Vivek Arote i/b. Aashish Satpute for the applicant.

Ms. Pallavi N. Dabholkar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 31th AUGUST, 2018.

P.C.:

. This is an application for bail under Section 439 of Criminal Procedure Code filed by the aforesaid applicant, who has been arrested in C.R.No.210/2017 registered at Shikrapur Police Station, District Pune for offences punishable under sections 376(D), 506 r/w. 34 of Indian Penal Code and sections 4, 16, 17 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard Mr. Vivek Arote, learned counsel for the applicant and Ms. Pallavi N. Dabholkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the first information report lodged by the prosecutrix who is 16 years old. The first information report *prima facie* reveals that the prosecutrix was friendly with one Ajay Digole. He had assured to marry her and hence, she had physical relationship with him. Subsequently, said Ajay refused to marry her. She, therefore, went to the house of her friend Sonali. The victim claims that on 07/05/2017, while she, Sonali and her husband were sleeping in the living room, the present applicant/husband of Sonali pulled her towards him. When she told this to Sonali, she told her to have physical relationship with her husband. She further claims that thereafter Sonali went out of the house and that the applicant had sexual intercourse with her against her wish and without her consent.

4. The first information report further states that even after the alleged incident, the prosecutrix had continued to stay in the house of Sonali and the applicant for a period of one month. Considering the above facts and circumstances and also considering the fact that the investigation is complete and charge sheet has already been filed, in my considered view, this is a fit case for grant of bail. Hence, I pass the following order :-

- (a) Bail Application is allowed.
- (b) The applicant who has been arrested in C.R.No.210/2017 and facing trial in Sessions Case No.367 of 2017 pending before the Additional Sessions Judge, Pune is ordered to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Fifty Thousand) with one or two solvent sureties in the like amount, to the satisfaction of Additional Sessions Judge, Pune.
- (c) The applicant shall furnish his permanent address and temporary address, if any, and all his contact details to the concerned Court.
- (d) The applicant shall not change his residential address without prior intimation to the Additional Sessions Judge, Pune.
- (e) The applicant shall not interfere with the victim or the other witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)