

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

CRIMINAL BAIL APPLICATION NO. 2617 OF 2018

Deepak Dinesh Yadav

... Applicant

Vs.

State of Maharashtra

... Respondent

...

Mr. Jayant Bardeskar I/by Mr. Hrishikesh Mundargi for the applicant.

Mr. A.R. Kapadnis, APP for the applicant.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 24th OCTOBER, 2018.

P.C.

1. This is an application for bail in connection with C.R. No. 269 of 2018. FIR was lodged on 2nd August, 2018. The offences were registered under Section 370, 376, 313, 354, 109, 506 read with 34 of Indian Penal Code, under Sections 3,4, 5 of the POSCO Act and under Section 4, 6, 8, 12 of the PIT Act.

2. The case of the prosecution is that the complainant had solemnized her marriage with accused No.1 when she was minor. Subsequently, she was allegedly forced to indulge in flesh trade by accused No.1. It is further alleged that applicant had paid some money to accused No.1. Applicant and others used to visit the

house of the complainant alongwith accused No.1. It is further alleged that when the applicant and others were visiting the house of complainant. They used to misbehave with her. Accused No.1 allegedly used to take money from his friends like applicant, accused No. 8 and accused No. 9. It is further alleged that accused No.1 forced the complainant to wear short clothes and consume alcohol. The accused including applicant used to touch her inappropriately. It is further alleged that accused Nos. 2 and 3 forced complainant to indulge in prostitution activities. Allegations against the applicant is that he had visited the house of the complainant alongwith other accused and misbehaved with her and all of them had committed act amounting to outrage her modesty.

3. Learned counsel for the applicant submitted that the act of commission of offences under Sections 376 and 370 of Indian Penal Code and under provisions of PITA Act was attributed to the accused Nos. 1 to 3. The only role that has been attributed to the applicant is that accused No.1 had invited the applicant alongwith others to his residence and at that time they had misbehaved with the complainant. There is no allegation of sexual assault by applicant.

4. Learned APP submitted that overt act has been attributed to the applicant. He had visited the house of the complainant. He tried to misbehave with her. The victim was minor. The nature of offence is serious.

5. I have perused the First Information Report and the other documents on record. The role of inducing the complainant to indulge in prostitution is attributed to accused Nos. 1 to 3. According to the complainant, the applicant and others had visited her residence. The applicant and others were trying to be close to her and used to touch her inappropriately. Applicant is in custody from the date of arrest. Applicant is not attributed overt act of sexual assault. Allegations attributed to the applicant would at the most amount to offence under Section 354 of Indian Penal Code. According to the complainant, she is married lady. She got acquainted with the accused No.1 and thereafter she had solemnized her marriage with him. In the circumstance, further detention of the applicant is not necessary and hence case for grant of bail is made out.

ORDER

- i. Criminal Bail Application is allowed;
- ii. Applicant is directed to be released on bail in C.R. No. 269 of

2018 registered with Mira Road Police Station on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

iii. Applicant shall attend Mira Road Police Station once in a month on first Saturday between 10:00 a.m. and 12:00 noon till conclusion of trial.

iv. Applicant shall not tamper with the evidence and/or influence the prosecution witnesses;

v. Criminal Bail Application stands disposed off.

Sachidanand
Kuttan Nair

Digitally signed
by Sachidanand
Kuttan Nair
Date: 2018.10.26
13:05:09 +0530

(PRAKASH D. NAIK, J.)