

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

BAIL APPLICATION NO.2607 OF 2017

Ramchandra Gopal Varatha

... Applicant

V/s.

State of Maharashtra

... Respondent

Smt. Vrishali Raje for the Applicant.

Mr. R.M. Pethe, APP for the Respondent State.

CORAM : A.S.GADKARI, J.

DATE : 9th JANUARY 2018

P.C.:

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No.I-84 of 2016 registered with Kasa Police Station under Sections 376, 417 of the Indian Penal Code.
2. Heard the learned Counsel for the applicant and the learned APP. Perused the record of investigation.
3. The prosecutrix in the present case is a minor aged about 16 years and with a view to protect her identity and in consonance with the

provisions of 228(A) of the Indian Penal Code, the detailed narration of facts mentioned in the first information report and in the statements of witnesses is hereby avoided.

4. The first information report is lodged by the mother of the victim girl. It is the prosecution case that the applicant by giving promise to marry with victim girl, established physical relationship with her and subsequently reviled from the promise. In the premise, the first information report is lodged. During the course of investigation, the applicant was arrested on 05.06.2016 and after completion of investigation, police have submitted the charge-sheet.

5. Perused the charge-sheet.

6. Apart from the statement of victim girl recorded under Section 161 of Cr.PC. her subsequent statement is also recorded under Section 164 of Cr.PC. As noted earlier, the victim girl in her statement has stated that the applicant by promising her to marry, established physical relationship with her and subsequently reviled from the promise. After perusing the said two statements of the victim girl and other material on record, prima-facie it appears that the victim girl had attained the age of

understanding and discrimination on the date of offence. Apart from the said fact, it is to be noted here that, the applicant is aged about 20 years and he is in jail since 05.07.2016. The investigation of the present crime is completed, and therefore, no purpose will be served by further keeping the applicant in incarceration.

7. In view of the above the applicant can be released on bail.

8. Hence, the following order.

- (a) The applicant be released on bail in CR No. I-84 of 2016 registered with Kasa Police Station on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- (b) 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.
- (c) The applicant shall attend all the dates before the Trial Court unless precluded by medical reasons.
- (d) The applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)