

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

CRIMINAL APPEAL NO.993 OF 2017

Shri. Mayur Baban Shinde

..Appellant

Versus

The State of Maharashtra and another

..Respondents

Mr. Vaibhav V. Ugle, Advocate for the Appellant.

Mrs. M. H. Mhatre, APP for the Respondent No.1 - State.

**CORAM : B. R. GAVAI &
SARANG V. KOTWAL, JJ.
DATE : 28th JUNE, 2018**

P.C.

1] This is an Appeal challenging the order dated 19th August 2017 passed by the learned Additional Sessions Judge, Rajgurunagar, thereby rejecting the application filed by the present Appellant for the offences punishable under Section 363, 366 and 376 as well as the offences under Section 3(1)(r),(s),(u),(w) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("SC and ST Act" for short).

2] We have perused the statement of the victim/prosecutrix. The statement would reveal that both of them were in love relationship for a period of almost two years. The statement would further reveal that the prosecutrix left her home alongwith present Appellant out of her own

BGP.

sweet will. They travelled to various places together. Other offences came to be registered on the basis of the complaint filed by the father of the prosecutrix. The present Appellant alongwith prosecutrix were apprehended at Niphad and thereafter arrested.

3] As held by the Hon'ble Apex Court in the case Niranjan Singh and another Vs Prabhakar Rajaram Kharote and others reported in (1980) 2 SCC 559, a detailed elaboration of evidence should be avoided at the stage of grant of bail.

4] However, prima-facie it appears that the prosecutrix was of the age of understanding when alleged incident took place.

5] We are inclined to allow the Appeal. The Appeal is allowed. The Appellant is directed to be released on bail on furnishing bail bonds in the sum of Rs.15,000/- with one or more sureties in the like amount. The Appellant shall report to the Narayangaon Police Station on 1st and 3rd Monday of every month.

[SARANG V. KOTWAL, J.]

[B. R. GAVAI, J.]