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

CRIMINAL BAIL APPLICATION NO. 260 OF 2019

Rajat Jagdish Chaudhary

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

Mr. Vikas B. Shivarkar advocate for the applicant

Mr. A. A. Palkar APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 25, 2019.

P.C.

After the arrest on 26/07/2018 in Crime no. 478/2018 registered with Yerwada Police Station, Pune for offence punishable under sections 376(2)(n), 323, 506 of the Indian Penal Code and Section 4, 5(L) & 6 of the Protection of Children from Sexual Offences Act (POCSO Act) 2012.

2 There is no documentary evidence to infer the age of the victim girl, however, ossification test speaks of her age as between 15-17 years.

3 Considered the contents of the complaint lodged by the victim girl, the statement of her mother.

4 It appears that the complainant all the way travelled from Lucknow to Mumbai all alone and the said fact was well within the knowledge of her mother as is reflected from the statement dated 28/08/2018.

5 Apart from above, the victim girl stayed with the family of applicant where the alleged incident have taken place. If the contents in the complaint, in the aforesaid background are appreciated, complainant has in categorical terms stated about the earlier acquaintance with the applicant through her brother-in-law.

6 As such, it can be inferred that the relation of the victim girl with the applicant was well within the knowledge of her mother and other relations. Crime no. 478/2018 registered with Yerwada Police Station

7 That being so, once the applicant has undergone investigation and there is no documentary evidence to infer the age of the victim, it will be appropriate to order release of the applicant. Hence, following order:

(A) Applicant be released in Crime no. 478/2018 registered with Yerwada Police Station on furnishing P.R. bond in the sum of Rs. 25,000/- with one local surety in the like amount.

(B) Applicant shall not influence witnesses or tamper with evidence.

8 Application stands disposed of.

[NITIN W. SAMBRE, J.]