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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.318 OF 2019

Sandeep Kailas Londe ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Mr.Anilkumar K.Patil for the applicant.

Smt.Rutuja Ambekar, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 18, 2019

P.C.:-

Heard learned counsel for the applicant and learned APP for the State.

2. After his arrest on December 22, 2017 in crime No.I-80/2017 for offence punishable under sections 376(2)(J), 363 and 366 of the Indian Penal Code and section 6 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act') registered with City police station, Taluka Malegaon, District Nashik, the applicant is seeking regular bail.

3. After investigation, the applicant came to be charge-sheeted. There are no antecedents of similar nature.

4. From the perusal of medical evidence, particularly the conclusion drawn by the doctor as regards the radiological test of the victim girl, it can be easily inferred from record that she was major by age on the date of offence.

5. In the aforesaid backdrop, even if the contents in the F.I.R. are taken to be true on its face value, it is very difficult at this stage of the proceedings to infer that the act alleged against the applicant is unconsensual. The medical evidence speaks of absence of possibility of forceful intercourse. The victim girl travelled with the applicant from place to place and never raised any hue and cry during the said travel.

6. That being so, in my opinion, a case for grant of bail is made out. Hence the order :-

i) The applicant be released on bail in Crime No.I-80/2017 for offence punishable under sections 376(2)(J), 363 and 366 of the Indian Penal Code and section 6 of the Protection of Children from Sexual Offences Act, 2012 registered with City

police station, Taluka Malegaon, District Nashik upon furnishing P.R. bond of Rs.25,000/- with one surety in the like amount;

- ii) The applicant shall not influence the prosecution witnesses or tamper with the evidence;
- iii) The application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)