

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

CRIMINAL BAIL APPLICATION NO. 476 OF 2019

Ravindra Nagnath Bandgar	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

- Mr.Sanjeev P. Kadam i/b. Ms.Vilasini B. for the Applicant.
- Mr.A.R. Kapadnis, APP for the Respondent-State.
- Mr.T.K. Kapse, PSI, Marine Driver Police Station.

CORAM : PRAKASH D. NAIK, J.

DATE : 22nd FEBRUARY, 2019.

P.C. :

1] The Applicant is seeking bail in C.R. No.6 of 2019 registered with Marine Drive Police Station for the offence punishable under Sections 376(2)(N), 354(D), 506, 328 of the Indian Penal Code and Sections 67, 67(A), 66(D) of the Information Technology Act, 2000.

2] The First Information Report was lodged on 8th January, 2019 by the victim girl who is aged about 20 years. It is alleged that she was friendly with the Applicant since 2012, as they are residing in the same vicinity. On 14th February, 2018, the Applicant called the

victim and he gave her some sweets to eat and thereafter, she felt dizziness. He took her to his house and thereafter, without her consent committed sexual intercourse. He also clicked her photographs and thereafter, showed the same to the victim and threatened to defame victim and her family members. Under the coercion the Applicant had physical relationship with her on several occasion in the public toilet. The victim had conceived and pregnancy was terminated.

3] The Applicant is in custody from 8th January, 2019. It is apparent from the perusal of the First Information Report that the Applicant and the victim are acquainted with each other since 2012. They had developed friendship. The first incident of sexual assault had occurred on 14th February, 2018. Thereafter, there was physical relationship between them, allegedly under coercion. Considering the nature of the allegation, it appears that the relationship was consensual.

4] Learned APP submits that there was no love affair between the victim and the Accused. The Cell-phone recovered from the Applicant shows that there were photographs of victim clicked by the Applicant.

5] However, considering the factual aspect of the matter as stated above, further detention of the Applicant is not necessary. The case for grant of bail is made out.

6] Hence, following order.

- (i) Bail Application No. 476 of 2019 is allowed.
- (ii) The Applicant is directed to be released on bail in connection with C.R. No. 6 of 2019 registered with Marine Drive Police Station on furnishing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount.
- (iii) The Applicant is permitted to furnish cash security of Rs.20,000/- for the period of six weeks.
- (iv) Parties to act on the basis of the authenticated copy of this order.

[PRAKASH D. NAIK, J.]