

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 769 OF 2019**

Vijay Omprakash Chaturi Chauhan	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Viresh V. Purwant for the Applicant

Mr. P. H. Gaikwad-Patil, A.P.P for the Respondent-State

PSI Mr. Ramesh Govind Jadhav from Kalyan Railway Police Station, is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 17th OCTOBER 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 165 of 2018 registered with the Kalyan Railway Police Station, Kalyan, Thane, for the alleged offences punishable under Sections 376 of the Indian Penal Code and under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act.

3 Perused the papers. According to the prosecutrix, aged 17 years, she met the applicant, aged 20 years on the train, as he used to sell

water bottles on the train between Thane to Kalyan. According to the prosecutrix, six months prior, the applicant told her that they will go to Kurla by Ajnee Train, pursuant to which, they went in the compartment meant for the handicapped persons, of the said train. The prosecutrix has stated that no one except she and the applicant were present in the said Compartment. According to the prosecutrix, the applicant had committed forcible sexual assault on her, after promising marriage. According to the prosecutrix even thereafter, the applicant had physical relations with her, pursuant to which, she became pregnant. She has stated that the applicant took her to the doctor for sonography and when it was revealed that she was six month's pregnant, she asked the applicant to marry her, to which, the applicant refused. Pursuant thereto, the aforesaid complaint was lodged.

4 Learned counsel for the applicant states that the prosecutrix has delivered a child, who is one year old and that the prosecutrix stays with her family as well as the applicant's family. Learned counsel for the applicant submits that the relations between the parties were consensual.

5 Whether the relations were consensual or not, is a matter, which will be decided by the trial Court. The applicant is in custody since January 2018. Investigation is complete and charge-sheet is filed.

6 Considering the aforesaid, the application is allowed on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;

- (ii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

- (iii) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

- (iv) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted.

7 The application is accordingly disposed of.

8 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.