

Anand

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

BAIL APPLICATION NO. 1843 OF 2019

Mehul Rathod .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Nilesh Tribhuvan a/w Mr. Pranav Avhad, Mr. Gaurav Dua &
Ms Darshna Naval, Advocate, for the Applicant

Mrs. P. P. Shinde, APP, for the Respondent – State

Mr. V. B. Sawant, PSI, Meghwadi Police Station, Mumbai present

CORAM : REVATI MOHITE DERE, J.

DATE : 11.07.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 112 of 2019 registered with the Meghwadi Police Station, Mumbai, for the alleged offences punishable under Sections 354, 376, 376(3) of the Indian Penal Code and under Sections 4, 8 & 21(1) of the Protection of Children from Sexual Offences Act.

3. Perused the papers. According to the Complainant / the

prosecutrix, aged 16 years, she met one Ruhan when she was in 7th Std on Instagram in 2017. She has stated that in 2017, when she was in the 10th Std., she actually met Ruhan and that Ruhan had physical relations with her without her consent. She has stated that her father's friend heard their conversation (her and Ruhan's) conversation and about their relations and informed her father, pursuant to which, her father reprimanded Ruhan, after which, there was a break up between them. She has stated that when she was in the 11th Std. in 2019, she met the Applicant, aged 19 years on Instagram and that their friendship developed into a love affair. She has stated that her father had seen her meeting the Applicant and had reprimanded her on account of the same, pursuant to which they started meeting late at night. She has alleged that on one such occasion, the Applicant had physical relations with her without her consent. She has stated that she had disclosed to her father about her love for the Applicant, however, he did not react to the same. Thereafter, the aforesaid complaint was lodged alleging the aforesaid offences. In the history given to the Doctor, the prosecutrix has given two episodes of consensual physical relations with the Applicant at Mount Mary Church, Bandra, Mumbai. The Applicant is in custody since 11.06.2019. Investigation is almost complete.

4. Considering the aforesaid & peculiar facts of the case, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

(i) The Applicant be enlarged on **cash bail** in the sum of **Rs. 20,000/-, for a period of six weeks;**

(ii) The Applicant shall furnish P. R. Bond in the sum of Rs. 20,000/-, with one or two local sureties in the like amount, within a period of six weeks of his release on cash bail;

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

(iv) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released 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;

(v) The Applicant shall report to the investigating officer of the concerned police station on **every Saturday** between **10.00 a. m. and 11.00 a. m.** till the filing of the charge-sheet;

(vi) The Applicant to co-operate with the conduct of the trial.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. 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.

(REVATI MOHITE DERE, J.)