

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

CRIMINAL BAIL APPLICATION NO. 1954 OF 2018

Yogesh Narayan More	... Applicant
Vs.	
The State of Maharashtra	... Respondent

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Mr. Tripti R. Shetty for the applicant.
Ms. A.A. Takalkar, APP for the Respondent-State.
Mr. Karadkar, API, Vile Parle Police Station is present.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 25th JANUARY, 2019.**

P.C.

1. This is an application for bail in connection with C.R. No. 81 of 2018 registered with Vile Parle Police Station for the offence punishable under Sections 376, 506 of Indian Penal Code and Sections 4,8,6 of POCSO Act. The First Information Report was lodged on 7th March, 2018. Applicant was arrested on the same day.

2. The case of the prosecution is that victim is aged about 16 years at the time of lodging of the First Information Report. It is alleged that on 14th February, 2017, the applicant accused was known to the family had visited the house of victim. On that day,

the accused touched the complainant victim inappropriately. Thereafter on several occasions when the mother of the victim was not present at home, the accused had visited the house of the victim. In March, 2017, the accused had sexual intercourse with the victim on two occasions. Thereafter FIR was lodged after the period of one year from the last incident on 7th March, 2018.

3. Learned counsel for the applicant submits that although the victim was minor, the relationship was consensual. They were acquainted with each other. Medical evidence does not support the prosecution case. Considering the factual matrix of this case, it is apparent that relationship was consensual.

4. Learned APP submitted that the victim was minor at the time of incident. She was threatened by the accused and was forced to have physical relationship.

5. On perusal of the First Information Report and other documents, it appears that accused had visited the house of the victim on several occasions. Alleged incident of physical relationship had occurred in March, 2017. First Information Report was lodged after a period of one year i.e on 7th March, 2017. Applicant is in custody from the date of arrest. Investigation is completed and chargesheet has been filed.

Considering the aforesaid circumstances, bail can be granted to the applicant.

ORDER

- i. Criminal Bail Application is allowed;
- ii. Applicant is directed to be released on bail in connection with C.R. No. 81 of 2018 registered with Vile Parle Police Station on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- iii. Applicant is permitted to furnish cash security in the sum of Rs.25,000/- for a period of six months;
- iv. Applicant shall report to the concerned Police Station once in a month on first Saturday of every month between 11 a.m. to 1 p.m. till further order;
- v. Applicant shall not tamper with the prosecution witnesses;
- vi. Criminal Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)