

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2501 OF 2018

Yogesh Rahul Modghare, Age 20 years,
Occ.Service, R/o.Room No.71, Banjara Vasti,
Near Mental Hospital, Wagle Estate,
Thane (W)-400 603.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Benimadhav H. Goswami for applicant.
Mrs.G.P.Mulekar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 8th March 2019

PC :

1. This is an application for bail in CR No.I-315 of 2016 registered with Naupada Police Station, Thane for offences under Sections 376 and 363 of Indian Penal Code.

2. The applicant was arrested on 15th November 2016. The case of prosecution is that the victim had left house on 8th November 2016. She called the applicant and both of them had ran away. The victim was thirteen and half years of age at the time of incident and the applicant was nineteen years of age. The statement of victim was recorded in which she has stated that she met the applicant and both of them had decided to perform marriage. The accused had promised that he would marry her and also made her to wear the Mangalsutra. They resided together for about one week and there was sexual relationship between them during the said period.

3. In the light of factual matrix of this case and also considering that the applicant is in custody for about two and half years, bail can be granted to the applicant. The charge was framed on 24th June 2018 but thereafter there is no progress in the trial.

4. Accordingly, I pass following order :

ORDER

- (i) Criminal Bail Application No.2501 of 2018 is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in connection with CR No.I-315 of 2016 registered with Naupada Police Station, Thane, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall attend the Trial Court proceedings regularly, unless exempted by the Trial Court for some reason;
- (iv) The applicant shall attend Naupada Police Station, Thane once in a month on every first Saturday between 11 am and 1 pm till further orders;
- (v) The applicant is permitted to furnish cash security in the sum of Rs.25,000/- for a period of eight weeks.

(PRAKASH D. NAIK, J.)

MST