

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

BAIL APPLICATION NO. 2832 OF 2019

Tushar @ Sonya Prallhad Shendge ...Applicant

V/su

The State of Maharashtra ...Respondent

Mr. Ranjeet M. Pawar for the applicant.

Mr. Prashant Jadhav APP for the State/Respondent.

Mr. Apoorv V. Singh for the complainant.

CORAM : PRAKASH D. NAIK, J.

DATE : 14th November 2019

PC :

1. This is an application seeking bail in connection with C.R. No. 420 of 2019 registered with Yavat Police Station, Pune for offences punishable under Sections 363, 366, and 376 of Indian Penal Code, 1860 (for short 'IPC') r/w. Sections 4, 8 and 12 of Protection of Children from Sexual Offences Act 2012 (for short 'POCSO').

2. The First Information Report (FIR) was lodged by the mother of the victim on 15.05.2019 alleging that the victim daughter aged about 14 years 4 month was enticed by the applicant and she has been kidnapped. The offence was initially registered under Section 363 of IPC. Subsequently,

the statements of the victim was recorded on 26th May, 2019. Apparently, the victim and the applicant were together from 15th May, 2019 to 27th May, 2019. She further stated that, there was no physical relationship between victim and the applicant. The history provided by the victim while medical examination mentioned the same fact. The supplementary statement of the complainant was recorded on 3rd June, 2019 in which it was stated that the victim had informed her that, there was physical relationship between the applicant and the victim. The medical examination also refers to multiple hymen-tear at 6, 3, 4 O'clock present. However, it is not clear whether injuries were recent. The statement of the victim was recorded under Sections 164 of Code of Criminal Procedure, 1973 (for short 'Cr. PC) on 14th June, 2019. However, the victim was completely silent with regard to the alleged incident. The investigation is completed and the charge-sheet is filed. The applicant is in custody 10.06.2019. Considering the aforesaid circumstances, bail can be granted to the applicant.

ORDER

- (i) Bail Application No. 2832 of 2019, is allowed;

- (ii) The applicant is directed to be released on bail in connection with C.R. No. 420 of 2019, registered with Yavat Police Station, Pune on furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) The applicant shall report Yavat Police Station, Pune, once in a month on first Saturday of every month between 10:00 a.m. to 2:00 p.m. till further order;
- (iv) Applicant shall not approach the victim or her relatives during the pendency of the Trial and shall not tamper with the evidence;
- (v) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)