

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

CRIMINAL BAIL APPLICATION NO. 2604 OF 2018

Ganesh Laxman Shigwan	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

- Mr.Neville D. Debao for the Applicant.
- Mr.S.R. Agarkar, APP for the Respondent.
- Mr.Sage, PSI, D.N. Nagar Police Station.

CORAM : PRAKASH D. NAIK, J.

DATE : 6th MARCH, 2019.

P.C. :

1] The Applicant is seeking bail in connection with C.R. No. 548 of 2017 registered with D.N. Nagar Police station for the offence punishable under Section 363, 366(A), 376(I) of the Indian Penal Code (*for short, "IPC"*) and Section 4, 5 (L)(J) and 6 of the Protection of Children from Sexual Offences Act, 2012 (*for short, "POCSO Act"*).

2] The case of the Prosecution is that the victim had left her house on 18th September, 2017. Hence, the mother of the victim lodged the complaint under Section 363 of the IPC. Subsequently, the victim returned

on 28th October, 2017. The statement of the victim was recorded on 1st November, 2017, in which she has stated that she was acquainted with one Harishchandra. He promised her of marriage and she left with him to his native place. She had physical relationship with him on 8 to 9 occasions. Thereafter, the said person deserted her. During the course of recording the statement, the victim was asked whether she had physical relationship with any other person in the past. The said question was replied by the victim stating that she had such relationship with one Ganesh (Applicant) and Jitendra. However, she has not stated that she was made any false promises by the Applicant or she was forced to have physical relationship with her. The ossification test indicates that the age of the victim was about 16 to 17. The statement of the victim recorded under Section 164 CrPC also do not attribute any overt act to the Applicant. Learned APP submitted that the DNA report was sought. However, the report is not clear.

3] Considering the circumstances, as stated above and also considering the fact that the Applicant is in custody from 1st December, 2017, bail can be granted.

4] Hence, following order.

:: ORDER ::

- (i) Bail Application No. 2604 of 2018 is allowed and disposed of.
- (ii) The Applicant is directed to be released on bail in connection with C.R. No. 548 of 2017 registered with D.N. Nagar Police Station, 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 concerned Police Station once in a month on first Saturday of the month between 11 am to 1 pm, till further order.

[PRAKASH D. NAIK, J.]