

## IN THE HIGH COURT OF JUDICATURE AT BOMBAY

## CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3043 OF 2019

Vijaykumar Shaktivel Devandra ...Applicant

V/s.

State of Maharashtra ....Respondent

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Mr. Milind Dhande a/w. Ms. Jameela Dawani, Advocate  
for the applicant.

Mr. S.R. Agarkar, APP for State.

P.I. Mr. Balwant Patil, Juhu Police Station  
present.

**CORAM : SANDEEP K. SHINDE, J.**

**Friday, 22<sup>nd</sup> November, 2019.**

**P.C. :**

1. The applicant is seeking is release on bail in C.R. No. 301 of 2019 (POSCO Special Case No. 406 of 2019) registered with Juhu Police Station for the offences punishable under Sections 376, 325 of the Indian Penal Code read with Sections 4, 8, 12 of

The Protection of Children from Sexual Offences Act (“POSCO Act” for short).

2. The victim was 17 years old on the date when report was lodged by her. The complaint shows, the applicant and the complainant had a love affair since 2016. As on today, the applicant is 21 year old student. It is alleged, in August 2019, the applicant declined to marry the complainant. It is alleged, on 10<sup>th</sup> August, 2019 the applicant inflicted fist blows and caused dislocation of tooth of the complainant.

3. The applicant is in the custody from 24<sup>th</sup> August, 2019. The investigation is over.

4. The APP relies upon the medical report, of victim which does not rule out sexual assault on her. The APP has also pointed out the Certificate issued by the Bhartiben Bhatia, Shree Vile Parle Seva Samaj in support of the allegation of assault and dislocation of tooth.

4. I have perused the chargesheet. The evidence shows the complainant had an affair and fell in love with applicant since 2016, when both were students. At the relevant time, the applicant was hardly 18 years old. The nature of accusation does not indicate the victim was subjected to sexual assault against her will and wish.

5. The Medical Certificate shows victim was undergoing root canal treatment.

6. In view of the facts, following is the order;

**ORDER**

*(i) The Bail Application is allowed.*

*(ii) The applicant arrested in C.R. No. 301 of 2019 (POSCO Special Case No. 406 of 2019) registered with Juhu Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five*

*Thousand only) with one or two sureties in the like amount.*

*(iii) The applicant shall attend the concerned Police Station as and when called.*

*(iv) The applicant shall furnish the particulars of his new address at Sion and mobile contact number to the Investigating Officer of the Police Station concerned within seven days of his release.*

*(v) The applicant shall live outside Village - Vileparle till the conclusion of the trial.*

*(vi) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the*

*case.*

7. The Bail Application is allowed and disposed off in the aforesaid terms.

(SANDEEP K. SHINDE, J.)