

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

**CRIMINAL BAIL APPLICATION NO. 2837 OF 2018**

|                           |                |
|---------------------------|----------------|
| Clinton Cajetan Cornelius | ... Applicant  |
| Vs.                       |                |
| The State of Maharashtra  | ... Respondent |

...

Mr. S.R. Gaud I/by Gayatri Shahane for the applicant.  
Ms. A.A. Takalkar, APP for the Respondent-State.

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**CORAM : PRAKASH D. NAIK, J.**  
**DATE : 25<sup>th</sup> JANUARY, 2019.**

**P.C.**

1. This is an application for bail in connection with CR No. 465 of 2017 registered with Amboli Police Station. The offences were registered under Section 376, 354(d), 323, 506 of Indian Penal Code read with 4, 8, 12 of POCSO Act.
2. FIR was lodged on 20<sup>th</sup> December, 2017 by the mother of the victim. Statement of the victim was recorded on 26<sup>th</sup> December, 2017. On perusal of the said statement it appears that the applicant had proposed the victim since childhood they were friends. In January, 2017, the accused had allegedly sexually assaulted the victim. Although, the victim had refused to have physical relationship with them. It is also alleged that the victim used to threaten her and follow her. Learned counsel for the

applicant submitted that the complainant and the applicant were having affair however the family of the victim was against the said relationship. Victim had inflicted injuries to her left fore arm due to opposition from her family to her relationship, which is apparent from the medical case papers of the Municipal Hospital.

3. Learned APP submitted that the victim was minor at the time of incident. It is submitted that the relationship was not consensual.

4. Applicant is relying upon the photographs with the victim to show that they were acquainted and friendly with each other. It is noted that the age of the applicant was 20 years at the time of incident. He is arrested on 27<sup>th</sup> December, 2017. Investigation is completed. Chargesheet has been filed. Bail can be granted to the applicant on certain terms and conditions.

### **ORDER**

- i. Criminal Bail Application is allowed;
- ii. Applicant is directed to be released on bail in connection with CR No. 465 of 2017 registered with Amboli 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 weeks;
- iv. Applicant shall not tamper with the prosecution witness or applicant shall not approach the victim;
- v. Applicant shall attend the trial Court regularly on the date of hearing, unless exempted by the trial Court;
- vi. Criminal Bail Application stands disposed off.

( PRAKASH D. NAIK, J. )