

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

CRIMINAL BAIL APPLICATION NO. 3280 OF 2018

Harshad Mohan Dubala	... Applicant
Vs.	
The State of Maharashtra	... Respondent

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Mr. Gajendra K. Jadhav for the applicant.
Ms. A.A. Takalkar, APP for the Respondent-State.
Mr. P.S. Gale for the first informant.
Mr. Dombale, PSI, Vangaon Police Station is present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 17th JANUARY, 2019.

P.C.

1. This is application for bail. Applicant is arrested in connection with CR No. 43 of 2018 registered with Vangaon Police Station for the offence punishable under Section 376(2)(n) &(i), 506 of Indian Penal Code read with 3 & 4 of POSCO Act. Leave to amend to add complainant through her father as respondents. Amendment to be carried out forthwith.

2. The prosecution case is that the victim had conceived in pursuant to sexual intercourse. She has delivered the child. Learned counsel for the complainant submits that victim alongwith the child is residing with parents of the complainant. It is submitted that the applicant and parents of both parties have

agreed that the applicant would perform the marriage with the victim after she attain majority and would look after the victim as well as child. It is further submitted that the victim and the child would continue to stay with the applicant at his parent's house. The parents of the applicant as well as the victim are present in the Court. They are identified by the advocate for the applicant and complainant. Affidavit-cum-undertaking on behalf of the applicant is tendered on record. Said affidavit is affirmed before the jail authorities on 16th January, 2019. In the said affidavit it is stated that the applicant will perform the marriage with the complainant and would take care of the complainant and the child delivered by her. Affidavit-cum-undertaking is also filed by the father and mother of the applicant in which it is stated that applicant would perform marriage with the complainant/victim and would take care of complainant and child. The victim through her father has also filed the affidavit in support of the contention of the applicant. The said affidavit-cum-undertakings, affidavits are taken on record and marked "X" collectively for identification. It is submitted by advocate for complainant that the complainant has no objection for grant of bail. Taking into consideration the aforesaid circumstances, bail can be granted to the applicant.

ORDER

- i. Criminal Bail Application is allowed;
- ii. Applicant is directed to be released on bail in connection with C.R. No. 43 of 2018 registered with Vangaon Police Station on furnishing P.R. Bond in the sum of Rs. 15,000/- with one or more sureties in the like amount;
- iii. Applicant is permitted to furnish cash security in the sum of Rs.15,000/- for a period of eight weeks;
- iv. Applicant shall report to the concerned Police Station once in a month on first Saturday between 11:00 a.m. to 1:00 p.m. till further orders;
- iv. Applicant shall adhere to the affidavit-cum-undertaking filed in this Court;
- v. Criminal Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)