

Anand

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

BAIL APPLICATION NO. 3375 OF 2018

Santosh Ranjit Singh Rana .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Hrishikesh Mundargi i/b. Mr. B. L. Jagtap, Advocate, for the
Applicant

Ms Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 14.06.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 40 of 2018 registered with the Kandivali Police Station, Mumbai, for the alleged offences punishable under Sections 376(2)(I), 363, 342 of the Indian Penal Code and under Sections 5(I), (2), 4, 6 and 10 of the Protection of Children from Sexual Offences Act (for short 'POCSO').

3. Perused the papers. According to the prosecutrix, on 05.09.2017, the Applicant ravished her after taking her phone. The prosecutrix has alleged a single incident of sexual assault as against the Applicant. It appears that the Complainant was taken to the hospital by her mother on 14.01.2018, where Doctor disclosed to them that the prosecutrix was pregnant, pursuant to which, an FIR was registered on 16.01.2018. It appears that later, the foetus was aborted. The DNA Report tendered by the learned APP shows that the Applicant is not the biological father. The said report is taken on record. Learned counsel for the Applicant relied the photographs annexed to the Application, to show that the Applicant and the prosecutrix were in love with each other. Be that as it may, since the prosecutrix was a minor, consent is immaterial. The DNA Report does not support the claim of the prosecutrix, that because of her physical relations with the Applicant, she became pregnant. Investigation is complete and charge-sheet is filed. The Applicant is in custody since 17.01.2018.

4. Considering the aforesaid, the Application is allowed

and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

(i) The Applicant be enlarged on bail, on executing P.R. Bond in the sum of **Rs. 10,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station as & when called for by the investigating officer;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant to cooperate in the conduct of the trial.

5. The Application is allowed in the aforesaid terms and

is accordingly disposed of.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)