

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

BAIL APPLICATION NO. 513 OF 2020

Pramod Anjayya Kodi

...Applicant

Vs.

The State of Maharashtra

...Respondent

Ms. Akshada Pasi for Applicant

Smt. Rutuja Ambekar for APP/Respondent

CORAM : PRAKASH D. NAIK, J.

DATE : 09th MARCH, 2020

PC:-

1. This is an application for bail in connection with C.R. No. 359 of 2019 registered with Vakola Police Station for the offences punishable under Section 376 (1) of Indian Penal Code and Sections 6,10,12 of the Protection of Children from Sexual Offences Act, 2012.

2. The Applicant was arrested on 28th July, 2019. The FIR was lodged on 27th July, 2019. The victim is a girl aged about 16 years. In the complaint she has stated that she got acquainted with the applicant in 2018. He proposed her for marriage. She consented. Thereafter, both of them were meeting. On 22nd April, 2019, the

victim had visited the house of the Applicant. He was alone at home. At that time, she was subjected to sexual assault. Thereafter, on 24th April, 2019 again she had subjected to sexual assault in the house of the applicant. Subsequently she was concieved.

3. Learned counsel for the Applicant submits that pregnancy was terminated. At the time of the incident, the age of the Applicant was of 20 years and the victim was aged about 16 years. Both were in love. The history provided in medical papers also indicate that she was in love with the Applicant.

4. Learned APP opposed bail application, on the ground that at the time of incident, the victim was minor and she was under influence of Applicant, therefore, her consent is immaterial. However, on perusal of the First Information Report and other documents, it is revealed that the victim was the age of understanding. The victim and the applicant were in love and there was consensus physical relationship. The Applicant is in custody from the date of arrest. There are no criminal antecedents against him. In the circumstances, bail can be granted to the Applicant on certain terms and conditions. Hence, following order:

ORDER

- (i) Bail Application No. 513 of 2020 is allowed.
- (ii) The Applicant be released on bail in connection with C.R. No.

359 of 2019 registered with Vakola Police Station on furnishing P.R. Bond in sum of Rs.25,000/- with one or more sureties in the like amount.

- (iii) The Applicant shall attend the concerned police station once in a month on First Saturday of the month between 11.00 a.m. to 1.00 p.m. till further orders.
- (iv) Bail application is disposed of accordingly.

(PRAKASH D. NAIK, J.)