

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

CRIMINAL BAIL APPLICATION NO. 681 OF 2019

Pradip Rakhmaji Ahire

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Adwait Bhonde, Advocate for the Applicant.

Mr. S. H. Yadav, APP for the Respondent – State.

Mr. S. B. Kharat, (H.C.) Narayangaon, Police Station, Dist. Pune
Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 4th February, 2020

PC :

1. The applicant is seeking bail in connection with C.R. No. 182 of 2017 registered with Narayangaon Police Station, Dist. Pune for offences punishable under Sections 376(n), 323, 506, r/w Section 34 of Indian Penal Code and Section 4, 12, 17 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act').

2. The First Information Report (for short "FIR") was lodged on 20th June, 2017 by victim. The applicant was arrested on 22nd June, 2017. It is alleged that on 31st May, 2017 while the complainant was in her house, her neighbour Prachi Pardeshi (accused No.2) invited the complainant to her house and thereafter she invited applicant to

her house. The applicant and Prachi had some conversation. Prachi left the house by saying that she has some work with her neighbour leaving behind the complainant and applicant. She closed the door of the house. The applicant had sexual intercourse with the complainant. The victim was threatened by the applicant. Due to fear she did not inform about the incident to her parents. The FIR was lodged after about 20 days on 20th June, 2017.

3. Learned Advocate for the applicant submits that applicant has been falsely implicated in this case. There is delay in lodging the FIR. The applicant and the victim were in relationship. He relied upon the photographs. The applicant is not having any criminal antecedents. He is boy aged about 21 year and victim is aged about 14 year. The FIR was lodged belatedly at the instance of the parents of the victim when they learnt about relationship. The applicant is resident of Aurangabad. He used to visit his relatives and at that time he got acquainted with the victim. He is in custody from 22nd June, 2017.

4. Learned APP submitted that the victim was minor. Provisions of POCSO are invoked. The delay in lodging the FIR is not fatal. The statement of victim under Section 164 of Cr.PC. is in consonance with her complaint.

5. It is the contention of the applicant that he was acquainted

with the victim. He relies upon the photographs. The FIR was lodged after a period about 20 days from the date of incident. Thereafter, the statement of parents were recorded. The prosecution is silent as to how after a period of about 20 days the FIR was lodged. The applicant is in custody for a period of about 31 months. Considering the factual aspects of the case, bail can be granted on certain terms and conditions.

6. Hence, I pass the following order :

ORDER

- i) Bail Application No. 681 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 182 of 2017 registered with Narayangaon Police Station, Dist. Pune on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii) The applicant shall not enter within jurisdiction of Narayangaon Rural Police Station, Dist. Pune.
- iv) The applicant shall furnish the details of his residence after he is released on bail to the Investigating Officer.
- v) The applicant shall report the Shillegaon police

Station once in a month on first Saturday of the month between 11.00 a.m. to 1.00 p.m.

- vi) The applicant shall not tamper with the evidence.
- vii) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)