

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

CRIMINAL BAIL APPLICATION NO.536 OF 2021

Bhimashankar @Mudkappa Somutte	...Applicant
Versus	
State of Maharashtra and Anr.	...Respondents

Mr. Ritesh M. Thobde, for the Applicant.

Ms. P. P. Shinde, A.P.P for the Respondent No.1 – State.

Mr. Rohit Shevate, for the Respondent No.2/Complainant.

CORAM : REVATI MOHITE DERE, J.

DATE : 13th OCTOBER 2021

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 476 of 2020 registered with the Mangalwedha Police Station, Solapur, for the alleged offences punishable under Sections 376, 452, 506 of the Indian Penal Code and under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act.
3. Perused the papers in particular the statement of the prosecutrix, aged 17 years 4 months. The prosecutrix in her statement has stated that the relations between her and the applicant, aged 21 years were

with consent and that she had no grievance or complaint against the applicant. It is the prosecution case that sometime in April 2020, when the complainant (mother of the prosecutrix) and her husband returned from village - Shivangi, the prosecutrix had complained of pain in her abdomen, pursuant to which, she was taken to the Rural Hospital at Mangalwedha for check-up. It was informed that the prosecutrix was pregnant, pursuant to which, she made the aforesaid disclosure. No doubt, having regard to the age of the prosecutrix consent is immaterial, however, in the facts, further detention of the applicant is not warranted. The applicant is in custody since 5th September 2020. Investigation is complete and charge-sheet is filed.

4. Accordingly, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- (i) The applicant be released on cash bail in the sum of Rs. 15,000/-, for a period of eight weeks;
- (ii) The applicant shall within the said period of eight weeks, furnish P.R. Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;

(iii) 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;

(iv) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

5. The application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

REVATI MOHITE DERE, J.