

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

CRIMINAL BAIL APPLICATION NO. 982 OF 2021

Siddhesh Raghunath Shigwan ... Applicant

Versus

The State of Maharashtra ... Respondent

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Ms. Anjali Patil a/w. Mr. Aashay Topiwala, for the Applicant.
Mr. Y. M. Nakhwa, APP for Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 17th MARCH, 2021

PC :

. This is an application for bail in C.R.No.224/2019 registered with Aarey Police Station, Mumbai. Initially the F.I.R. registered under Sections 363, 366, 376, 328 of Indian Penal Code and Sections 4, 8 and 12 of The Protection of Children from Sexual Offences (in short 'POCSO') Act, 2012.

2. The First Information Report was lodged by the father of victim girl. The statement of victim dated 29th November 2019 mentioned that the victim was acquainted with the applicant. Her age was around 15 years and 10 months and applicant was aged about 19 years. They used to talk to each other. The applicant had

Manjusha

promised that he would marry her. On 8th August 2019, the applicant called the victim at Durga Junction Bridge. She was taken to secluded place. She was given some soft drink with stupefying substance. She consumed the same. Thereafter, she was subjected to sexual assault. As per the version of the victim she repeatedly met applicant and there was physical relationship between them on several occasions. Thereafter, she conceived. The applicant stopped contacting her.

3. Learned Counsel for the applicant submitted that the relationship was consensual. The version of the victim as well as the WhatsApp chat messages which are part of chargesheet indicate that both of them were in love with each other. The applicant is not having any criminal antecedents. He is in custody from 1st December 2019.

4. Learned APP submitted that under the false promise of marriage, the victim was subjected to sexual assault. Victim had delivered the child.

5. From the documents on record, it appears that the applicant was aged about 19 years and the victim were in love with each other. On several occasions, there was physical relationship between them.

6. Considering the facts of the case, the applicant need not be further detained in custody.

7. Hence, the following order.

ORDER

- (i) Bail Application No.982 of 2021, is allowed.
- (ii) The applicant is directed be released on bail in C.R.No.224/2019 registered with Aarey Police Station, Mumbai, registered with Aarey Police Station, Mumbai, on executing PR. bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report the concerned Police Station once in a month on 1st Saturday of every month between 11.00 a.m. to 01.00 p.m. for a period of six months.
- (iv) The applicant shall not approach with the complainant/victim or any other witnesses and shall not tamper with evidence;
- (v) The applicant is permitted to furnish provisional cash bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety;
- (vi) Bail Application No. 982 of 2021 stand disposed of accordingly.

(PRAKASH D. NAIK, J.)