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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2090 OF 2021**

NAVIN NARPATI JOSHI

....Applicant.

V/s

THE STATE OF MAHARASHTRA

.....Respondent

Mr. Ram Pandey for the Applicant.

Mr. M. G. Patil, APP for the Respondent/State.

Mr. Shankar Bhiku Salunkhe, PI, Kasturba Marg Police Station,
present.

CORAM: NITIN W. SAMBRE, J.

DATE: DECEMBER 09, 2021

P.C.:-

1] Applicant is chargesheeted for the offence punishable under Sections 376, 182 of the IPC read with Section 4, 8, 12, and 21 of the POCSO Act in C.R. No. 1176 registered with Kasturba Police Station, after having arrested on 24/11/2020.

2] Prosecution case is, victim – a minor was lured by the Applicant under the pretext of marriage, established physical relationship and forced her to terminate her pregnancy. As such, the offence in question.

3] But for the statement of victim girl, there is prima facie no iota of evidence to connect the Applicant with the offence alleged. Other two accused viz the doctor who carried abortion of victim and her

uncle who took her to hospital are already ordered to be released.

4] Prayer of the Applicant is objected by the learned APP on the ground that he is not a citizen of India but permanent citizen of Nepal and though married, he has indulged in to aforesaid offence. Prima facie, there appears to be hardly any evidence to infer involvement of the Applicant in the offence alleged but for statement of the complainant.

5] In that view of the matter, Applicant is entitled to be released on bail.

6] Applicant is directed to be released on bail in Special Case No.69 of 2021 arising out of C.R. No.1176 of 2020 registered with Kasturba Police Station for the offence punishable under Section 376, 182 of the IPC read with Section 4, 8, 12, and 21 of the POCSO Act on furnishing P. R. Bond in the sum of Rs 25,000/- with one or more local sureties in the like amount. Applicant shall attend the concerned Police Station in the first week of every month of English Calendar between 10.00 AM to 12.00 Noon till conclusion of trial. Applicant shall neither directly or indirectly influence the prosecution witnesses nor tamper with the evidence.

7] Application stands disposed of.

(NITIN W. SAMBRE, J.)