

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

BAIL APPLICATION NO. 1102 OF 2020

Jayendra Hiru Bhoir	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. Akshay S. Malviya a/w Mr. Kailash Baug with Mr. Laxman Potale
Advocate for the Applicant.

Ms. Anamika Malhotra, APP for the Respondent – State.

Mr. Dipak Nivrruti Ghuge, (PSI) Mumbra, Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 18th MARCH, 2021

PER COURT:

1. This is an application for bail in C.R. No. I-411 of 2020 registered with Mumbra Police Station, Dist. Thane for offences under Sections 376 & 506 of Indian Penal Code and Sections 4, 8 & 12 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act'). The First Information Report (for short "FIR") was lodged on 11th April, 2020 by the victim herself. Her age at the time of FIR was 17 years, 10 months.

2. According to victim/complainant she was working as maid servant. On 24th February, 2020 she had met her childhood friend Prem Jadhav. On that day the other family members were not in the house. He told her that he loves her and established physical relationship with him. Thereafter he threatened her not to disclose

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the incident to anyone. Thereafter, the complainant disclosed the incident to her aunt. On 10th April, 2020 there was pain in her abdomen. She told about it to her friend and his wife. She was taken to hospital. Doctor's opined that she is pregnant.

3. The applicant was arrested on 5th September, 2020. During the course of investigation, statement of witness were recorded. Supplementary statement of the victim was recorded on 2nd September, 2020. In the said statement she stated that she was acquainted with the applicant. Even he disclosed the name of her friend as Prem Jadhav. She showed the involvement of the applicant, who subjected her to sexual assault. It is pertinent to note that the statement of witnesses were recorded during the course of investigation indicate that person named as Prem Jadhav is not in existence at the place where the victim was residing. This statement was recorded on 12th April, 2020 which was prior to supplementary statement of the complainant.

4. In any case the statement would indicate that the victim and the accused were acquainted with each other. There was physical relationship between them. The alleged incident had occurred on 24th February, 2020. FIR was lodged on 11th April, 2020. The contention of the applicant is that he has been falsely implicated in

this case. Considering the nature of allegations and the factual matrix of the case, further detention of the applicant is not warranted. Bail can be granted to applicant on certain terms and conditions. Hence, I pass the following order :

ORDER

- (i) Criminal Bail Application No. 1102 of 2020 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. I-411 of 2020 registered with Mumbra Police Station, Dist. Thane, 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 concerned Police Station once in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. for a period of six months and thereafter, once in three months on first Saturday of the month between 11:00 a.m. to 1:00 p.m till further order;
- (iv) The applicant shall not tamper with the evidence and shall not approach the complainant/victim.
- (v) The applicant is permitted to furnish cash security in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety.
- (vi) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)