

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

CRIMINAL BAIL APPLICATION NO. 1338 OF 2020

Sidhant Arvind Shetty ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. R. P. Ojha i/b. Asit Sing, Advocate for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 10th MARCH, 2021

PER COURT:

1. This is an application for bail in connection with C.R. No. 732 of 2020 registered with Sakinaka Police Station, Mumbai for offences under Sections 363, 342, 376, 328 r/w Section 34 of Indian Penal Code and Sections 4, 8 & 12 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act').

2. The victim is girl aged about 16 years. The applicant is 19 years old boy. According to the victim they were friends on account of social media. She was also friendly with the friends of the applicant-Sidhant, Numan Khan as well as Rakesh Sahu. They used to meet below the building of victim. The mother of victim came to know about her friendship and she was prevented from meeting

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them, personally or through social media. When her mother was not at home, the victim used to talk with applicant on cell phone. On 16th June, 2020, the applicant told her to come below the building. Without informing anyone, the victim got down from her building. She sat on the scooty of the applicant. Both of them went together. In the night of 16th June, 2020 both of them went to several place i.e. at Juhu, Versova, Bandra. Throughout the night they were together. On 17th June, 2020 during the day again they went to several places. On 17th June, 2020, the applicant his friend of Numan Khan and the victim went together in the car of Numan. Thereafter, applicant's friend Numan dropped them at the office situated at Vikroli Park site. The victim was confined in the office by the applicant. She was given stupifying substance. After consuming it, she felt dizziness. They went to some hotel. She was given meal. The accused had physical relationship with her. She was threatened. On 21st June, again there was physical relationship between them at the hotel situated at Andheri. Thereafter, she was sent home. In the statement under Section 164 of Cr.P.C. she has given similar version.

3. Learned counsel for the applicant submitted that the applicant is young boy aged about 19 years. There are no criminal antecedents against the applicant. Assuming that the allegations to be true, relationship was of consensual nature. The victim was in the

company of the applicant from 16th June, 2020 to 21st June, 2020.

4. Learned APP submitted that victim was minor aged 16 years. She was under intoxication. She did not understand what was happening. The accused had forcefully subjected her to sexual intercourse. Medical evidence supports the version of the victim.

5. On perusal of the statement of the victim under Section 161 and 164 of Cr.P.C. it is apparent that, victim, applicant and his friends were acquainted with each other. They used to meet. On 16th June, 2020 the victim had left her house without disclosing about it to anyone. There was physical relationship on two occasions. Subsequently, the victim was told to go home. On perusal of the statement, prima facie it appears that on account of their friendship, the victim was in the company of the applicant. The applicant is in custody from the date of arrest. Considering the factual aspects, further detention of the applicant is not necessary for. Hence, I pass following order :-

ORDER

- (i) Criminal Bail Application No. 1338 of 2020 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 732 of 2020 registered with Sakinaka Police Station, Mumbai on executing P.R. 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 three month 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 or not tried to approach the victim or any other witnesses.
- (v) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)