

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION N.1651 OF 2020

Gangaprasad Pannalal Gupta @ Babu

Applicant

versus

The State of Maharashtra

Respondent

Ms.Anjali Patil for applicant.

Mrs.M.R.Tidke, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 13th January 2021

PC :

1. This is an application for bail in CR No.224 of 2019 registered with Trombey Police Station for the offences punishable u/s 376(2) (J)(n), 354(A), 506 of Indian Penal Code and u/s 6,8,10 of POCSO Act.

2. The case of the prosecution is that the victim was aged about 17 years. The accused gave her sim card of mobile phone which was required for her friend. The accused got acquainted with the victim. Thereafter he threatened her that he would disclose the fact that the sim card was given to her by him, to the parents of victim. Subsequently on four to five occasions the accused visited the house of victim and under coercion he had sexual relationship with her. Subsequently it was noticed that the victim was pregnant. The FIR was lodged. The applicant was arrested on 27th June 2019.

3. It is submitted by learned advocate for applicant that from the tenor of the FIR it is apparent that the relationship was consensual.

The applicant is in custody from 27th June 2019. There are no criminal antecedents against him.

4. Learned APP submitted that the victim was minor aged about 17 years. DNA report is awaited. The victim has stated that the accused had physical relationship with her under threat.

5. It is not disputed that age of the victim at time of incident was around 17 years. The case of the prosecution that on four to five occasions accused had visited the house of victim and had forceful sexual relationship. Apparently it appears that the relationship was consensual. No complaint was lodged by the victim till it was noticed that she was pregnant. Considering the circumstances, case for grant of bail is made out.

6. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.1651 of 2020 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No. 224 of 2019 registered with Trombey Police Station, 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 Trombey Police Station once in a month on every first Saturday between 11 am and 1 pm till further orders;
- (iv) The applicant shall not approach the victim and her family and shall not tamper with the evidence.

7. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)

MST