

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

CRIMINAL BAIL APPLICATION NO.3160 OF 2021

Kalpak Prakash Malankar

..Applicant

Versus

The State of Maharashtra and Anr.

..Respondents

Ms. Sonal Parab a/w Mr. Kiran Varma i/by Rajeev Sawant & Associates, for the Applicant.

Mrs. Rutuja Ambekar, APP for the Respondent - State.

CORAM : NITIN W. SAMBRE, J.

DATE : 6th DECEMBER, 2021

PC.

1. Though served, none appears for the complainant.
2. Applicant is seeking regular bail in Crime No.180 of 2021 registered with D. N. Nagar Police Station, Mumbai for the offence punishable under Sections 376, 420, 506 of IPC and Sections 6, 10 and 12 of POCSO Act after his arrest on 23rd May, 2021.
3. From the available material on record, it can be inferred that the relationship between the applicant and the complainant was consensual which is admitted by her.
4. As far as the offence under Sections 6, 10 and 12 of the

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POCSO Act is concerned, it appears that the statement in the complaint, statement of the victim and narration of history to the doctor while medical examination are at great variance.

5. As such, without commenting much in detail on the said issue, in my opinion, case for grant of bail is made out.

6. Applicant is directed to be released on bail in Crime No.180 of 2021 registered with D. N. Nagar Police Station, Mumbai for the offence punishable under Sections 376, 420, 506 of IPC and Sections 6, 10 and 12 of POCSO Act on executing P. R. bond of Rs.15,000/- with one or more sureties in the like amount.

7. Applicant shall neither influence the witnesses in any manner nor tamper with the evidence.

8. As such, application stands disposed of.

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[NITIN W. SAMBRE, J.]