

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

CRIMINAL BAIL APPLICATION NO.197 OF 2021

Yuvraj Bhairu Chavan	...Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr.Santosh S. Musale for the Applicant.

Mr.N.B. Patil, APP for the Respondent-State.

Ms.Angela B. Singha a/w Ms.Anima Mishra for Respondent No.2.

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CORAM : C.V. BHADANG, J.

DATE : 22 FEBRUARY 2022

P.C.

. This is an application for bail. The Applicant is facing prosecution for the offence punishable under Section 376(2)(i) and 506 of the Indian Penal Code and Section 4,6,8,12 and 18 of the Protection of Children From Sexual Offence Act, 2012 in POCSO Case No.334 of 2020 arising out of Crime No.281 of 2020 registered with Sangvi Police Station.

2. The date of birth of the victim in this case is 16 December 2004. The incident is alleged to have happened on 12 August 2019. Thus the victim on the date of the incident was 14 years and 8 months of age. The FIR is lodged on 17 April 2020 that is after a period of about 8 months. The Applicant came to be arrested on 20 April 2020 and since then is in custody.

4. On hearing the learned counsel for the parties and on perusal of the record it appears that there were multiple occasions on which the Applicant allegedly had sexual intercourse with the victim on the promise of marriage on account of which the victim got pregnant and is said to have delivered a child.

5. The learned counsel for the Applicant submitted that he is not disputing the paternity of the child. It was also submitted by the learned counsel for the Applicant and the learned counsel for the Respondent-Complainant that there is a 'settlement' between the parties. Strictly speaking, it is not possible for this Court to accept or endorse any, such 'settlement' in a case of the present nature. However, even according to the prosecution there were multiple occasions, when there were sexual relations between the parties on the promise of marriage. The investigation is complete and the charge-sheet is filed. The FIR is lodged belatedly.

6. In such circumstances, the following order is passed.

ORDER

(i) The applicant be released on bail, on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties, in the like amount.

(ii) The applicant shall undertake to remain present before the learned Special Judge during the trial unless exempted.

(iii) The applicant shall not make any attempt to directly or indirectly to contact the victim and shall not otherwise tamper with the prosecution evidence/ witnesses.

(iv) In the event of breach of any of the conditions, the bail is liable to be cancelled.

(v) The bail bonds to be furnished before the learned Special Judge.

(vi) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.