

The State of Maharashtra and anr. ...Respondents

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Mr. Gaurav Parkar a/w Ms Priyanka Pandey for the Applicant.
Ms Rutuja Ambekar, APP for the State.
Mr. Veerdhaval Deshmukh for Respondent No. 2.

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CORAM : N.R. BORKAR, J.
DATED : 9 DECEMBER 2022

P.C. :-

This is an application under Section 439 of Code of Criminal Procedure for bail.

2. The applicant came to be arrested in Crime No. 101 of 2021 registered at Khargar police station for the offences punishable under Sections 328, 376(2)(h), 376(2)(n), 506(2) and 509 of Indian Penal Code and under Sections 4, 8 of Protection of Children from Sexual Offences Act (POCSO Act).

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State and the learned counsel for respondent No. 2 and perused the First Information Report.

4. It appears that applicant and the prosecutrix got acquainted with each other through social media and started chatting with each other. It appears that the prosecutrix met the present applicant on multiple occasions, together they consumed liquor and entered into physical relationship.

5. The learned APP for the respondent-State submits that during the relevant period the prosecutrix was aged about 15 years. However, considering the facts and circumstances of the case and as the applicant is in jail for one year and eight months, I am inclined to release him on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 101 of 2021 registered at Khargar police station for the offences punishable under Sections 328, 376(2)(h), 376(2)(n), 506(2) and 509 of Indian Penal Code and under Sections 4, 8 of Protection of Children from Sexual Offences Act (POCSO Act) on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station once in a month on Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.

(N.R. BORKAR, J.)