

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

CRIMINAL BAIL APPLICATION NO.1685 OF 2021

Manoj Baban More

...Applicant

Vs.

The State of Maharashtra & Anr.

... Respondents

Mr.Satish K. Ingale for the Applicant.

Mr.Y.Y. Dabke, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 3 MARCH 2022

P.C.

. This is an application for bail. The Applicant has been charge-sheeted for the offence punishable under Section 376(2)(f)(j)(n), 376(3), 354(A)(2), 354(B), 354(D), 504 and 506 of the Indian Penal Code and Section 4,8 and 12 of the Protection of the Children from Sexual Offences Act, 2012, arising out of Crime No.52 of 2020 of Mahad MIDC Police Station, District-Raigad.

2. The aforesaid crime is registered on the basis of the complaint lodged by the victim on 8 November 2020. On the date of the lodging of the complaint the victim is stated to be 19 years old, her date of birth being 18 December 2001. The Applicant happens to be the husband of the maternal Aunt of the

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informant. She claims that somewhere in May 2015 the informant had gone to the house of the Applicant when the Applicant was alone in the house. The Applicant taking undue advantage of the fact as there were no occupants in the house, removed her clothes and had taken her photographs and recorded a video. After about 2 to 3 months, the Applicant had forcibly sexual intercourse with her on the threat of the photographs and the video, being made viral. There after she was sexually abused by the Applicant on multiple occasions on the same threat. The informant reported the matter on 8 November 2020 upon which the offence was registered and after investigation a charge-sheet is filed.

3. The Applicant was arrested on 8 November 2020 and he is in custody since then.

4. I have heard the learned counsel for the parties. Perused record.

5. *Prima facie* it appears that there is a substantial delay in reporting the incident inasmuch as the first incident is alleged to have happened in May 2015 and the complaint is lodged on 8 November 2020. Although the medical report shows that the hymen was torn, the final opinion is reserved/pending report from the Forensic Science Laboratory. It is not shown whether

any such final opinion is obtained. As noticed earlier the investigation is complete and the charge-sheet is filed. The record discloses that although the mobile phone of the Applicant has been seized there is no recovery of any photographs or video from the Applicant.

6. Hence the following order.

ORDER

- (i) The applicant-Manoj Baban More 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 report to the concerned Police Station, once in every month on first Monday between 11.00 a.m. to 1.00 p.m.
- (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) It is made clear that the observations made herein are *prima facie* in nature, and the learned Special Court shall decide the case on its own merits

and in accordance with law, uninfluenced by the observations made in this order.

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

C.V. BHADANG, J.