

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3027 OF 2021

Vishal Suresh Suryawanshi ..Applicant
Vs.
The State of Maharashtra & Anr. ..Respondents

Mr. Jaydeep D. Mane, for the Applicant.
Ms. M. R. Tidke, APP for the Respondent / State.
Ms. Saswati S. Deb, for the Respondent No.2 (Legal Aid Advocate).

MAMTA
AMAR
KALE
Digitally
signed by
MAMTA
AMAR KALE
Date:
2022.03.04
10:58:38
+0530

CORAM : C.V. BHADANG, J.
DATE : 3 MARCH 2022

P.C.

. The Applicant is seeking bail in Crime No.150/2021 of Police Station Mangalwedha, District Solapur (Rural), under Section 363, 366A, 376(2)(n) of IPC and Section 8, 12 and 42 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2. The aforesaid offence is registered on the basis of the complaint lodged by the father of the victim, who was at the relevant time aged about 16 years and 4 months. Her date of birth is 2 November 2004. The incident is alleged to have happened on 18

January 2021 in which the Applicant had taken the victim from Solapur to Pune and thereafter to Kolhapur and during this period, from 26 March 2021 to 12 April 2021 had sexual intercourse with her, on multiple occasions. The victim and the Applicant were ultimately traced and were taken to Police Station Mangalvedha on 12 April 2021, after which the victim has returned to her parents.

3. The learned counsel for the Respondent No.2 / informant states that since thereafter the victim has married and the informant has no grievance against the Applicant.

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

5. *Prima facie*, it appears that the victim was more than 16 years of age and there are circumstances to indicate that she had voluntarily accompanied the Applicant. The medical report does not give any positive finding about the victim being subjected to sexual intercourse.

6. Be that as it may, the investigation in this offence is complete and the chargesheet is filed. The victim is also stated to have married. The Applicant was arrested on 12 April 2021 and is in custody since then.

7. Considering the over all circumstances, the following order is passed.

ORDER

- (i) The Criminal Bail Application is allowed.
- (ii) The Applicant Vishal Suresh Suryawanshi 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.
- (iii) The Applicant shall undertake to remain present before the learned Sessions Judge during the course of trial.
- (iv) The Applicant shall not directly or indirectly make any attempt to tamper with the prosecution evidence or witnesses.
- (v) Bail bonds to be furnished before the learned Special Court.

C.V. BHADANG, J.