

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

CRIMINAL BAIL APPLICATION NO.2985 OF 2021

Sunil Brijlal Kore

... Applicant

Vs.

The State of Maharashtra & Anr.

... Respondent

Ms.Shubhangi Parulekar for the Applicant.

Ms.M.R. Tidke, APP for the Respondent –State.

CORAM : C.V. BHADANG, J.

RESERVED ON : 20 JANUARY 2022

**PRONOUNCED ON : 8 FEBRUARY 2022
(Through Video Conferencing)**

P.C.

. By this Application, the Applicant-accused is seeking release on bail in Crime No.72 of 2021 registered with Bhore Police Station, Pune under Section 363, 366, 342, 370, 370A, 370A, 376(4)(3), 376(2)(j)(n), 323, 405, 507 read with 34 of the Indian Penal Code and under 3,4,5,6 of Protection of Children from Sexual Offences Act, 2012 and under Section 4,8 and 10 of the Prevention of Immoral Traffic Act.

2. The prosecution case, as disclosed from the complaint dated 9 April 2021 lodged by the victim-girl, is that in the year 2018 she had accompanied the co-accused Komal Sunil Kore wife

of the present Applicant Sunil Kore to Pune where the co-accused Komal Kore along with one Reshma Gaikwad induced her to have sexual intercourse with various persons on payment of money which was recovered by Komal Kore and Reshma Gaikwad. In short according to the victim girl it was Komal Kore and Reshma Gaikwad who induced her in prostitution along with one Sapna.

3. A perusal of the FIR indicates that the victim managed to flee from the house of the accused Komal at Shivshambhu Nagar, Katraj, Pune. She met the Applicant at Katraj as she was acquainted with the Applicant. The FIR clearly shows that according to the victim the Applicant gave her shelter where the victim resided with the Applicant for 8 to 10 months and the Applicant managed to establish her contact with her mother and reached her to the house of her mother at Ganesh Nagar, Bhor. Thus the FIR does not implicate the Applicant with any of the alleged offences.

4. It is only in the supplementary statement of the victim, recorded on 26 April 2021, that she alleged that the Applicant had forcibly sexual intercourse with her on four to five occasions when she was staying with the Applicant at Gokul Nagar, Katraj. Subsequently, in February-March 2020 the Applicant again had sexual intercourse with her on five to six

occasions, when they were staying at Yewalewadi. In short according to the victim the Applicant had sexual intercourse with her on 10 to 12 occasions in the last two to three years. Presently, the Applicant has returned to her mother.

5. The victim at the time of lodging of the report was said to be 16 years and 6 months of age, her date of birth being 19 September 2004. Thus it can be seen that the victim had attained the age of understanding of the nature and consequences of the act. She also claims that she had become pregnant on account of the relations and her pregnancy was aborted.

6. Be that as it may, as noticed earlier in the FIR which itself is lodged after three years she has not attributed any overact to the Applicant. Quite to the contrary she states that the Applicant gave her shelter for 8 to 10 months and helped her to reach to her mother.

7. The material allegation appears to be against the co-accused Komal Kore who is the wife of the Applicant and her friend Reshma and Sapna. The Applicant is arrested on 26 April 2021 and is in jail since then. The investigation is complete and the charge-sheet is filed.

8. In such circumstances, I find that there is no justification to detain the Applicant behind the bars pending trial. In the result, the following order is passed.

ORDER

(i) The Applicant be released on bail in Crime No.72 of 2021 registered with Bhore Police Station, Pune, on the applicant 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 during the course of the trial unless exempted.

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

(iv) Bail bonds to be furnished before the learned Special Judge.

C.V. BHADANG, J.