

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3868 OF 2021

Pranav Anil Mahadik

Applicant

versus

The State of Maharashtra

Respondent

Mr.Satyam M. Nimbalkar with Mr.Abhishek U.Arote, Advocate for applicant.

Ms.Deepal Thakkar, Advocate for respondent no.2.

Mr.M.G.Patil, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 11th October 2022

PC :

1. The applicant is seeking bail in C.R No.168 of 2021 registered with Dehu Road Police Station for offences under Sections 376, 384, 109, 120-B of Indian Penal Code and under Sections 4, 8, 17 of Protection of Children from Sexual Offences Act ('POCSO Act').

2. The case of prosecution is that the complaint was lodged by mother of victim on 3rd April 2021. It is alleged in the complaint that the victim got acquainted with the co-accused Rutuja Patil on instagram. They exchanged messages and became friends. Rutuja came to the house of victim. Thereafter friends of Rutuja Patil namely Pranav Mahadik (applicant), Aadarsh Waghmare also got acquainted with her. They started meeting. The father-in-law of the informant realized that some amount from his wallet went missing. He realized that some ornaments were also missing. On search they could not get the ornaments. On 28th March 2021 the complainant

found that her ornaments were missing. She could not trace them. She inquired with her children. The victim told her that she got acquainted with accused. The applicant tried to get close to her. She was told to bring money from her house. He threatened her that if she does not follow his instructions, he would commit suicide. The victim parted amount of Rs.40,000/- to the applicant. Thereafter other accused also demanded ornaments and money from the victim. In March-2021 the victim took away ornaments and gave it to the applicant. Same were handed over by the applicant to other person for selling them. The applicant and others threatened the victim that they have connection with gang and therefore the victim had stolen the ornaments from the house and gave them to the applicant. In between February-2021 and March-2021 the applicant committed sexual intercourse with victim. The statement of victim girl was recorded on 3rd April 2021. She has narrated the aforesaid incidents.

3. Learned advocate for applicant submitted that the applicant is aged around 18 years. There is variation in the statements of victim recorded. There is delay in lodging the FIR. Other accused were arrested and they were granted bail.

4. Learned APP submitted that the victim was minor girl at the time of incident. She was subjected to physical relationship under coercion. She was made to part with ornaments and cash. There is recovery of part ornaments from the co-accused Aadarsh Waghmare.

5. Learned advocate for respondent no.2 submitted that the victim was minor. Consent, if any, is immaterial. Offence is of serious nature. The victim was subjected to physical relationship as

well as extortion. She was harassed to part with ornaments as well as cash.

6. The applicant is in custody from 3rd April 2021. Investigation is complete and charge sheet is filed. There is no recovery of any ornament from applicant. As per version of complainant, which according to her was disclosed by victim, the incident of physical relationship in question had occurred in between 25th February 2021 and 12th March 2021. The FIR was registered on 3rd April 2021. According to the victim the alleged incident of physical relationship had occurred on 31st January 2021. Supplementary statement of complainant was recorded wherein she has stated that the incident of physical relationship ship was occurred on 31st January 2021. Medical examination report indicate that history was provided by victim referring to sexual relationship and it is stated by victim that the acts were committed by her friends. The applicant is aged round 18 years at the time of incident. The victim was aged above 15 years at the time of incident. The incident was not reported immediately. Considering the aforesaid facts, bail can be granted

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in connection with C.R No.168 of 2021 registered with Dehu Road Police Station on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for eight weeks in lieu of sureties;
- (iv) The applicant shall report Dehu Road Police Station once in a

month on every first Saturday between 11 am and 1 pm till further orders;

- (v) The applicant shall not tamper with evidence;
- (vi) The applicant shall attend dates of Trial Court regularly unless exempted by Trial Court for any cause.

(PRAKASH D. NAIK, J.)

MST