

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

CRIMINAL BAIL APPLICATION NO.3669 OF 2021

Vilas s/o Shankarrao Patil
V/s.

..Applicant

The State of Maharashtra

..Respondent

Mr.Rajendra Raghuvanshi, D. S. Bagul a/w Ratnesh Dube for the Applicant.

Smt.M. R. Tidke, APP for the Respondent/State.

Mr. Sachin B. Chandan for the Respondent No.2.

PSI Pramod D. Sarowar, Manmad Police Station present.

CORAM : C.V. BHADANG, J.

**DATE : 4 JANUARY 2022
(Through Video Conference)**

PC.

1. This is an Application for bail. The Applicant has been chargesheeted for the offence punishable under Sections 376, 504, 506, 345 of Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. The prosecution case is that the victim girl was then aged about 16 years and 7 months and was resident of Loni Ambegaon, Pune, and had come to reside with her Aunt at Shivaji Nagar, Manmad, District Nashik. It is at this point of time, the victim got acquainted with the Applicant who is a Contractor residing at Nandurbar. The material prosecution case is that the Applicant developed acquaintance with the victim by professing to help her monetarily and also assured her a plot / flat and was assuring to marry her. Further, according to the prosecution, the

victim on the basis of such assurances was moving about with the Applicant in his car. It is material prosecution case that on the day of incident, the Applicant administered liquor to the victim through a cold drink and thereafter had forcible sexual intercourse with her in his car. Such incident also followed thereafter, on more than one occasion.

3. A perusal of the statement of the victim also shows that after she went back to her native place, the Applicant sent one person called Pappu (the co-accused) and asked the victim to come down to Manmad and also paid her Rs.10,000/- through Pappu. After the victim came down to Manmad, she stayed at hotel Shree Leela. On 14/15 August, 2021, the Applicant did not meet her inspite of her efforts to contact the Applicant. In short, according to the victim, the Applicant thereafter avoided to meet her on one count or other. Finally, the Victim again returned to Manmad and contacted the Applicant asking him to come down in any event as she was waiting at Manmad for two to three days. At that time, the Applicant is alleged to have threatened the victim through Pappu of dire consequences. Thus, according to the victim, the Applicant had forcible sexual intercourse with her on multiple occasions on the promise of marriage and had also prepared video clip which he was threatening to put on the internet. On such a complaint being filed on 17th August, 2021 an offence at Crime No.907 of 2021 was registered with Manmad Police Station, and after investigation a chargesheet is filed. The Applicant was arrested on 19th August, 2021 and he is in custody since then.

4. I have heard learned counsel for the Applicant and the learned APP for the State and the learned counsel appearing for

Respondent No.2 – Complainant. With the assistance of learned counsel for the parties, I have gone through the records.

5. It *prima facie* appears that the victim had attained the age of understanding, although she had not attained the age of legal consent. However, *prima facie* there are circumstances to indicate that the victim was moving with the Applicant and had sexual relations on multiple occasions, albeit according to the victim this was on account of promise of marriage held out by the Applicant. The victim has gone to the extent of returning to Manmad from her native place and had waited there for two to three days to meet the Applicant.

6. The medical report of the victim shows that she was habituated to sexual intercourse. Learned counsel for the Applicant has filed a CDR of the Applicant in order to submit that it does not support the case made out by the victim as to the location of the Applicant. It transpired during the course of hearing and the learned APP stated on instructions from the Investigating officer that the victim was also not traceable at Manmad or at her native place. The investigation is complete and the chargesheet is filed.

7. Considering over all circumstances, I find that further incarceration of the Applicant, is not justified or necessary.

8. In the result the following order is passed;

ORDER

- i) The Applicant shall be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount;

- ii) The Applicant shall not make any attempt to contact or influence the victim or other prosecution witnesses;
- (iii) The Applicant shall undertake to punctually remain present before the Special Court on the dates of hearing and shall not tamper with the prosecution evidence or witnesses;
- (iv) Bail bonds to be furnished before the learned Special Judge;

9. Criminal Bail Application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)