

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

BAIL APPLICATION NO.4221 OF 2021

**PRIYA
RAJESH
SOPARKAR**

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Date: 2022.04.28
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Omkar Rajendra Galande

... Applicant

V/s.

The State of Maharashtra and anr.

... Respondents

Mr.Karma Vivan, Advocate for the Applicant.

Mr.R.M.Pethe, APP for Respondent No.1/State.

Mr.Bhomesh R. Bellam, Advocate for Respondent No.2.

CORAM : VINAY JOSHI, J.

DATE : 26th APRIL, 2022.

P.C.:-

1. This is an application for grant of regular bail in Crime No. 193 of 2021 registered with Chandan Nagar Police Station, District Pune, for the offence punishable under Sections 376, 376(2)(n), 506 of the Indian Penal Code and Sections 3, 4, 8 and 12 of POCSO Act.

2. While claiming bail it is primely canvassed that there was love relationship, however they had no physical relations at all. Applicant's learned counsel pointed out that the victim has refused to undergo medical examination and thus there is no supporting material.

3. Learned counsel appearing for the Intervenor has filed affidavit of victim girl who is 19 years of age. Applicant is a young boy aged about 21 years. The victim stated in affidavit that her mother had filed report due to misunderstanding and she has no objection to grant bail. She also stated that both are willing to marry with each other. The order passed by trial court equally indicates that the

informant had also filed affidavit in trial court stating that she has no objection to release applicant on bail.

4. Be that as it may, at the instance of report lodged by mother of victim, crime was registered. Obviously, on the basis of hear-say information mother has lodged report regarding occurrence took place somewhere in the year 2019. The victim girl in her statement has not stated specifically the date and time of occurrence as well as particulars of the offence. The investigation is complete and charge-sheet has been filed. Having regard to above peculiar facts, applicant can be released on bail by putting on certain terms. In view of that, following order:-

(a) The application stands allowed.

(b) The Applicant/accused Omkar Rajendra Galande is released on bail in connection with the Crime No.193 of 2021 registered with Chandan Nagar Police Station, District Pune, for the offences punishable under Sections 376, 376(2)(n), 506 of the Indian Penal Code and Sections 3, 4, 8 and 12 of POCSO Act, on his furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.

(c) The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the prosecution evidence.

(d) The application stands disposed of in above terms.

(VINAY JOSHI, J.)