

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1129 OF 2022

Karan Ashok Pol ... Applicant

Versus

The State of Maharashtra and anr. ... Respondents

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Mr. Vijay Agale for the Applicant.
Ms. Veera Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 5 APRIL 2023

P.C. :-

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 631 of 2020 registered at Hinjewadi Police Station, for the offences punishable under Sections 363, 366(A), 376 of Indian Penal Code and Sections 3, 4, 5(L), 6 of the Protection of Children from Sexual Offences Act, 2012.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. The applicant and victim were neighbours. There was a love affair between them. According to the prosecution, on 11 November 2020, the present applicant committed forcible sexual intercourse with the victim on the pretext that he would be marrying her. It is alleged that he then took her to his native place and there also committed forcible sexual intercourse with her.

5. I have perused the statement of the victim recorded under Section 164 of Cr.P.C. It does not support the prosecution with respect to the alleged penetrative sexual assault. The applicant is in jail for more than two years.

6. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Karan Ashok Pol be released on bail in Crime No. 631 of 2020 registered at Hinjewadi Police Station, for the offences punishable under Sections 363, 366(A), 376 of Indian Penal Code and Sections 3, 4, 5(L), 6 of the Protection of Children from Sexual Offences Act, 201, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)