



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

BAIL APPLICATION NO.1058/2023

PRATHMESH HARIBHAU GURAV ..APPLICANT

VS.

THE STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

Adv. Vikrant Phatate i/b. Adv. Vishal Waghela, Adv. Vijay Bendgude for the applicant.

Ms. Veera Shinde, APP for the State.

Adv. Veerdhawal Deshmukh for the respondent no.2.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 31, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 376(2)(i)(n) of the Indian Penal Code (hereafter 'IPC' for short) read with Section 4, 6, 8, 12 and 42 the Protection of Children from Sexual Offences Act, 2012 (hereafter 'the POCSO Act' for short), registered on 30/8/2022 vide C.R. No.1026/2022 with Sangola Police Station.

3. The application is opposed by learned APP and learned

counsel for the respondent no.2.

4. The applicant, at the relevant time, was 18 years of age. The victim was 14 years of age. The applicant is related to the victim. The victim alleges that the applicant committed the offence which is punishable under the aforesaid sections. It is alleged that the applicant committed sexual intercourse with the victim between 15/5/2022 to 15/6/2022. Later on, the First Information Report (FIR) is lodged against the step-father of the victim for the offence punishable under Section 376 of the IPC and the provisions of the POCSO Act. The victim became pregnant because of her step-father. The medical report reveals so.

5. So far as the applicant is concerned, there are, no doubt, allegations against him. However, the medical report is placed on record indicating that the applicant is suffering from the blood cancer and has to be taken for chemotherapy regularly. The applicant requires regular medical treatment and attention.

6. The applicant was arrested on 30/8/2022. Considering the age of the applicant and the fact that he is suffering from blood cancer, requiring chemotherapy and medical

attention, on humanitarian ground, I am inclined to enlarge the applicant on bail. The applicant is in custody for one year with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. In my opinion, the applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Prathmesh Haribhau Gurav in connection with C.R. No.1026/2022 with Sangola Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 15,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant shall not contact the victim.

7. The application is disposed of.

(M. S. KARNIK, J.)