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

BAIL APPLICATION NO.1293 OF 2022

Mr. Vinod Ramsurat Patel ..Applicant

VS.

1. The State of Maharashtra
2. The Senior Inspector of Police,
Tilak Nagar Police Station
3. XYZ

..Respondents

Ms. Anjali Patil, for the Applicant.

Mr. S. H. Yadav, APP for the State.

Mr. Arun K. Rajput, for original complainant.

Ms. Sumedha Sambhaji Tiwarekar, IO, Tilak Nagar Police
Station, Dombivali (E) present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 13, 2023

P.C. :

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

2. This is an application for bail in respect of C.R.
No.206 of 2021 dated 15/12/2021 registered with Tilak
Nagar Police Station for offence punishable under sections
376(2)(n), 354, 354(D) of the Indian Penal Code, 1860 and
sections 4, 6, 8, 10, 12 of the Protection of Children from

Sexual Offences Act, 2012.

3. The FIR was registered on 15/12/2021. The applicant was arrested on 19/12/2021 and now in custody for more than 1 year and 2 months. The trial is not likely to conclude any time soon. The charge-sheet has been filed and the investigation is complete. There are no criminal antecedents reported against the applicant.

4. Learned counsel for respondent no. 2 submits that the victim at the relevant time was 15 years of age. The affidavit dated 10/02/2023 has been filed by the victim's mother on her behalf which is taken on record and marked 'X' for identification. In the said affidavit, it is stated that the FIR was registered against the applicant due to some misunderstanding and the matter has been amicably settled between the applicant and the victim. It is further stated that no offence as alleged in the FIR has taken place and she has no grievance against the applicant. It is further stated that the victim has no objection if the applicant is granted bail by this Court. The victim and her mother are personally present in the Court. It is urged by them that

the affidavit is filed without any coercion and the same is filed voluntarily. At the relevant time, the applicant was 28 years of age and married. From the reading of the statement of the victim, it appears that there was a love affair between the applicant and the victim. However, considering the prosecution case that the victim was 16 to 17 years of age, consent of the victim may not be material.

5. Taking an overall view of the matter, and the fact that the applicant is in custody for more than 1 year and 2 months with possibility of trial concluding any time soon appearing to be remote with no criminal antecedents reported against the applicant, the applicant can be released on bail. Hence, the following order.

ORDER

(a) The application is allowed.

(b) The applicant—Mr. Vinod Ramsurat Patel in connection with C.R.No.206 of 2021 dated 15/12/2021 registered with Tilak Nagar Police Station shall be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs.25,000/- for a period of 4 weeks in lieu of surety.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant should not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer of the concerned Police Station and shall keep him updated, if there is any change.

(f) The applicant shall report to the Investigating Officer as and when called.

(g) The applicant shall not threaten the victim.

5. The application is disposed of.

(M. S. KARNIK, J.)