

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1860 OF 2022

Om Avinash Gade ... Applicant

Versus

The State of Maharashtra and another ... Respondents

.....

Mr. Sachin Deokar for the Applicant.

Mr. Amit Palkar, APP for the State.

Ms. Nasreen Sajid Khaliquie Ayubi for Respondent No.2.

.....

CORAM : N.R. BORKAR, J.

DATED : 21 MARCH 2023

P.C. :-

. The learned Counsel for the applicant seeks leave to mask the name of Respondent No.2. Leave as sought is granted. Amendment to be carried out forthwith.

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

3. The applicant came to be arrested in Crime No. 664 of 2021 registered at Bharti Vidyapeeth Police Station, Pune for the offences punishable under Sections 376(1)(A), 406, 506 of Indian Penal Code and Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012.

4. I have heard the learned Counsel for the applicant, the learned APP for the State and the learned Counsel for Respondent No.2.

5. According to the prosecution, the applicant and the victim got acquainted with each other through social media. According to the prosecution, in June 2021 and thereafter on several occasions the present applicant had committed forcible sexual intercourse with the prosecutrix on the false pretext that he would be marrying her.

6. Prima facie, the alleged act appears to be consensual. The applicant is in jail for more than one and half years. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Om Avinash Gade be released on bail in Crime No. 664 of 2021 registered at Bharti Vidyapeeth Police Station, Pune for the offences punishable under Sections 376(1)(A), 406, 506 of Indian Penal Code and Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012, 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.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
PRASHANT
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