

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2390 OF 2022

Prashant Prabhakar Pawar ... Applicant

Versus

The State of Maharashtra and another ... Respondents

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Mr. Priyal Sarda for the Applicant.
Ms. Rutuja Ambekar, APP for the State.
Mr. Ranjeet Patil for Respondent No.2.

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CORAM : N.R. BORKAR, J.

DATED : 17 FEBRUARY 2023

P.C. :-

. 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. 10 of 2022 registered at Bibwewadi Police Station, Pune for the offences punishable under Sections 363, 366, 376(2)(f)(j)(n), 506 of Indian Penal Code and Sections 4, 6, 8, 12 of the Protection of Children from Sexual Offences Act.

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

4. According to the victim, the present applicant who is her uncle (cousin of victim's mother) proposed her for marriage. It is alleged that on 17 January 2022 he forcibly took her to the temple and there he had put vermilion on her forehead and mangalsutra around her neck. It is alleged that the applicant then took her to his house and committed forcible sexual intercourse with her.

5. I have perused the statement of victim. It appears that on 17 January 2022, the victim lied to her parents for going to the house of the present applicant. It further appears that the victim after the alleged forcible physical relation stayed with the present applicant for about 7 days. The applicant is in jail for about one year. 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 - Prashant Prabhakar Pawar be released on bail in Crime No. 10 of 2022 registered at Bibwewadi Police Station, Pune for the offences punishable under Sections 363, 366, 376(2)(f)(j)(n), 506 of Indian Penal Code and Sections 4, 6, 8, 12 of the Protection of Children from Sexual Offences Act, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not contact the victim, either directly or indirectly.