



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

BAIL APPLICATION NO. 2190 OF 2023

SHERSINGH NARPATSINGH

RATHOD

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR.

..RESPONDENTS

Adv. Aniket Yadav for the Applicant.

Adv. Akhil Kupade i/b Adv. Pakale for Respondent No.2.

Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 15, 2023

P.C. :

- 1.** Heard learned counsel for the applicant, learned counsel for respondent No.2 and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 376, 376(2)(n), 384, 385, 506 of the Indian Penal Code and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 registered on 20/03/2023 vide C.R. No.134 of 2023 with Rabale Police Station.
- 3.** The victim at the relevant time was 17 years and 4

months of age. The applicant was 19 years of age. Prima facie, from the reading of the statement of the victim it appears that the relationship between the applicant and the victim was consensual in nature.

4. Learned APP opposed the application. It is submitted that the offence is serious in nature as it is committed against the minor. The applicant on the basis of a video recording of the victim threatened the victim into such a relationship. It is further submitted that the applicant had taken some gold ornaments and cash from the victim. The gold ornaments have been recovered.

5. The applicant was arrested on 20/03/2023 and is in custody for more than 8 months. The investigation is complete and the charge sheet is filed. The victim being a minor her consent is immaterial. However, the victim appears to be of the age of understanding. Looking at the age of the applicant and as the trial is likely to take a long time to conclude, in the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Shersingh Narpatsingh Rathod in connection with C.R. No.134 of 2023 registered with Rabale 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 enter into the jurisdiction of Rabale police station after being released on bail, till the trial concludes.
- (g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The application is disposed of.

7. I appreciate the valuable assistance rendered by Advocate Akhil Kupade, who appeared on behalf of respondent No.2 in this proceeding. His engagement may be regularized by the Maharashtra State Legal Services Authority if he is on the panel or else he may be paid fees/honorarium quantified at Rs.5000/-.

(M. S. KARNIK, J.)