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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2772 OF 2022

Sunny S. Sinh ...Applicant
V/s.
The State of Maharashtra and anr. ...Respondents.

Mr. Vikas Shivarkar for the Applicant.
Mr. P.H. Gaikwad-Patil, APP for the Respondent/State
Ms Priyanka Chavan for Respondent No.2.

CORAM : N.R. BORKAR, J.
DATE : 15.02.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.61 of 2022 registered at Bharati Vidyapeeth Police Station, Pune for the offences punishable under Sections 363, 376 of the Indian Penal Code and Section 4,8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
3. I have heard the learned counsel for the applicant, the learned APP for the respondent - State and the learned counsel for respondent No.2.
4. According to the victim, the present applicant proposed her for marriage and she accepted his proposal. According to the victim on 22 February 2022, the applicant took her to some

secluded place on the pretext of outing and committed forcible sexual intercourse with her.

5. I have perused the statement of victim recorded under Section 164 of Cr.P.C. *Prima facie*, the alleged act of sexual intercourse appears to be consensual. The mother of applicant has filed the affidavit stating that the applicant is ready and willing to marry the victim. Considering the overall fact and circumstances of the case, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

- A] Bail Application is allowed.
- B] The applicant be released on bail in C.R. No. 61 of 2022 registered at Bharati Vidyapeeth Police Station, Pune for the offences punishable under Sections 363, 376 of the Indian Penal Code and Section 4,8 and 12 of the Protection of Children from Sexual Offences Act, 2012 on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.
- C] The applicant shall not enter into the limits of Bharati Vidyapeeth police station till conclusion of trial.
- D] The applicant shall not contact the victim either directly or indirectly.
- E] The prosecution is at liberty to file an application for cancellation of bail, if any of the condition is breached.

[N.R.BORKAR, J.]