

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 4496 OF 2021

Sourabh Gorakh Memane ... Applicant

Versus

The State of Maharashtra and another ... Respondents

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Mr. Aniket Nikam instructed by Mr. Vivek Arote for the Applicant.

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

Mr. Manas Gawankar for the Respondent No.2.

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CORAM : N.R. BORKAR, J.

DATED : 9 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. 566 of 2021 registered at Shirur Police Station, Pune for the offences punishable under Sections 363, 366, 376 of Indian Penal Code, Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act and Section 5 of the Immoral Traffic (Prevention) Act, 1956.

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

4. According to the statement of the victim recorded under Section 164 of the Cr.P.C., she got acquainted with the present applicant

through social media. Few days prior to the incident which took place on 30 July 2021, the applicant had proposed her for marriage. According to her, on 30 July 2021, they both had gone to Nagar as the applicant told her that he would be marrying her. According to her, while they were at Nagar, the applicant had put the mangalsutra on her person and then committed sexual intercourse with her. According to the victim, they then started residing at Nimblak M.I.D.C. and were going for work.

5. It appears that on 7 August 2021, the police apprehended them from Nimblak M.I.D.C. Though the victim has stated that later on she learnt that the applicant by adopting similar *modus operandi* had deceived the three more girls and then made them to indulge in prostitution activity, however, there is no material to that effect. Considering the overall facts and circumstances of the case and as the applicant is in jail for more than one and half years, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Sourabh Gorakh Memane be released on bail in Crime No. 566 of 2021 registered at Shirur Police Station, Pune for the offences punishable under Sections 363, 366, 376 of Indian Penal Code, Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act and Section 5 of the Immoral Traffic (Prevention) Act, 1956, 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.)