

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3499 OF 2022

Rakesh @ Onkar Nirgunkar ...Applicant
V/s.
The State of Maharashtra and Anr. ...Respondents

Adv. Nikhil Mengde a/w Adv. Siddikesh Ghosalkar, Adv. Kunal Savastar and Adv. Siddhesh Dalvi for the Applicant.

Ms. Manisha Deokar i/b Ms. Suvarna Yadav for the Respondent No.2.

Ms. Rutuja Ambekar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 02.05.2023

P.C. :

1. Learned counsel for the applicant seeks leave to correct the crime number mentioned in the application. Leave as sought is granted. Necessary amendment shall be carried out forthwith.
2. This is an application under Section 439 of Code of Criminal Procedure for bail.
3. The applicant came to be arrested in Crime No. 228 of 2022 registered at Varje Malwadi Police Station, District Pune, for the offences punishable under Sections 354D, 376 and 376(2)(n) of the Indian Penal Code (IPC) and under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).
4. I have heard the learned counsel for the applicant, the learned counsel for the respondent No.2 and the learned APP for

the respondent – State.

5. According to the prosecution, the applicant on several occasions committed forcible sexual intercourse with the victim on the pretext that he would be marrying her, even though he was aware that victim is minor.

6. I have perused the statement of the victim. It appears that there was a love affair between the present applicant and the victim. The applicant is in jail for about eight months. The victim in her supplementary statement stated that she does not have any objection, If the present applicant is released on bail. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] Application is allowed.

B] The applicant be released on bail in C.R. No. 228 of 2022 registered at Varje Malwadi Police Station, District Pune, for the offences punishable under Sections 354D, 376 and 376(2)(n) of the IPC and under Sections 4, 8 and 12 POCSO Act, 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.

[N.R.BORKAR, J.]