



Diksha Rane

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

BAIL APPLICATION NO.3577/2023

VIGNESH SANDIL DEVENDRA

..APPLICANT

VS.

THE STATE OF MAHARASHTRA & ANR.

..RESPONDENTS

Adv. Sugandh K. Zende a/w. Adv. Akshata Borade for the
applicant.

Ms. Veera Shinde, APP for the State.

Adv. Pranit R. Sonawane for the original complainant.

PSI Atmaram T. Kadam, Wadala T. T. Police Station

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 6, 2023.

P.C. :

1. Heard learned counsel for the applicant, learned APP
for the State and learned counsel for the original
complainant.

2. This is an application for bail in respect of the offence
punishable under Sections 376 (1)(I)(J)(N), 376(3) of the
Indian Penal Code (hereafter 'IPC' for short) read with
Sections 4, 6, 8,10 of the Protection of Children from Sexual
Offences Act, 2012 (hereafter "POCSO Act", for short)
registered on 14/5/2022 vide C.R. No.317/2022 with Wadala
T. T. Police Station, Mumbai.

3. The applicant was arrested on 14/5/2022. The applicant at the relevant time was 20 years of age. The victim at the relevant time was 14 years of age. As per the statement of the victim, the relationship between the parties was consensual in nature. The victim underwent abortion. The DNA does not match with that of the applicant.

4. Though it appears that the applicant and the victim were in consensual relationship, considering the age of the victim such a consent is immaterial.

5. Learned counsel for the original complainant submitted that the complainant, that is the mother, and the victim are personally present in the Court and they do not wish to prosecute the complaint and it is further submitted that they have no objection if the applicant is enlarged on bail.

6. The applicant was arrested on 14/5/2022 and now is in custody for more than one year and seven months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the

applicant. The applicant does not appear to be a flight risk. Looking at the age of the applicant and in the facts and circumstances of the present case, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Vignesh Sandil Devendra in connection with C.R. No.317/2022 registered with Wadala T. T. Police Station, Mumbai, 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 attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

7. The application is disposed of.

(M. S. KARNIK, J.)