

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1192 OF 2022

Avinash Dattaram Shibe

Applicant

versus

The State of Maharashtra and another

Respondents

Mr.Gopal J. Pandey i/by Mr.Rahul Pandey, Advocate for Applicant.

Ms.Keral Mehta, Advocate for Respondent no.2.

Ms.Supriya N. Kak, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 12th June 2024

PC :

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.274 of 2020, registered with Chiplun Police Station, District Ratnagiri, for the offences punishable under Sections 376(2)(n), 366-A, 370, of Indian Penal Code r/w Sections 4, 8 and 12 of Protection of Children from Sexual Offences Act r/w Sections 3, 4 and 5 of PITA Act.

3. In the present matter in the FIR the Applicant was not named. However, during the identification parade the victim identified the Applicant as her customer which led the police to implead the name of Applicant in the present offence and to arrest him.

4. The Applicant was arrested on 5th December 2020 and since then he is in jail. The document at page 251 of the record issued by the Medical Officer, Special District Hospital, Kamatha, Chiplun, District Ratnagiri, shows the age of victim as 18-20 years.

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5. Learned counsel for victim on a specific query put to her about evidence of the age of the victim fairly stated that except the statement of the victim there is no other documentary evidence to show the age of victim, except the statement of the victim.

6. Thus, considering the weak nature of evidence available as regards the age of victim and role of the Applicant, I am of the opinion that Applicant is entitled for grant of bail.

ORDER

- (i) Bail Application is allowed and disposed off.
- (ii) It is directed that the applicant shall be released on bail in Crime No.274 of 2020 registered with Chiplun Police Station, District Ratnagiri, for the offences punishable under Sections 376(2)(n), 366-A, 370, of Indian Penal Code r/w Sections 4, 8 and 12 of Protection of Children from Sexual Offences Act r/w Sections 3, 4 and 5 of PITA Act on executing P.R.Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- (iii) Applicant shall attend Chiplun Police Station on 1st and 16th day of every month between 11.00 a.m and 12.00 noon till conclusion of trial;
- iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- v) Liberty is granted to the State for cancellation of bail if the applicant commits similar offence;
- vi) The applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

(ANIL S.KILOR, J.)