

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.252 OF 2023

Smt. Meghna Jalinder Umap

...Applicant

Versus

State of Maharashtra & Anr.

...Respondents

Ms. Naina Sharma i/b Sushant Maggu, for the Applicant.

Mr. Sameer M. Mangaonkar, APP, for the Respondent-State.

P.S.I. Shinde Satish Baliram, Karjat Police Station, Raigad, present.

CORAM : MADHAV J. JAMDAR, J.

DATED : MARCH 11, 2024

P.C.:

1. Heard Ms. Sharma, learned Counsel for the Applicant and Mr. Mangaonkar, learned APP for the Respondent-State.

2. This Criminal Application is preferred seeking cancellation of bail granted to the Respondent No.2. The learned Additional Sessions Judge, Panvel by Order dated 16th August 2023 passed in Criminal Bail Application No.714 of 2023 granted bail to the Respondent No.2 in C.R. No.184 of 2023 registered with Karjat Police Station. The said offence is registered under Sections 376(2)(n) of the *Indian Penal Code, 1860* and Section 4, 6 and 8 of the *Protection of Children from Sexual Offences Act, 2012*.

3. The learned Sessions Court has observed that perusal of the statement of the victim recorded under Section 164 of the *Code of Criminal Procedure, 1973* shows that the victim has not supported the prosecution case. It has been observed that the victim is a minor, however, she is nearing 16 years in age and is sufficiently old for understanding. It has also been observed that the Respondent No.2 has not used any criminal force in commission of the offence in question.

4. Learned Counsel for the Applicant has relied on the decision of the Kerala High Court in *Sujith A.V. v. State of Kerala*¹. The said decision is also cited before the learned Trial Court.

5. The Criminal Application for cancellation of bail does not show that the Respondent No.2 after grant of bail by Order dated 16th August 2023 has violated any of the bail condition. There is nothing to show that the Respondent No.2 has after release on bail, tried to contact the victim. Accordingly, no case is made out for cancellation of bail.

6. The Criminal Application for cancellation of bail, stands dismissed.

[MADHAV J. JAMDAR, J.]

¹ 2022 LiveLaw (Ker) 613