

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

CRIMINAL BAIL APPLICATION NO. 1183 OF 2024

Dinesh Datta Mane

...Applicant

Vs.

The State of Maharashtra and others

...Respondents

Ms. Ashwini B. Jadhav, for the applicant.

Mrs. S. M. Yadav, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 23rd AUGUST, 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. 639 of 2023, registered with Yeola Police Station, Nashik for the offences punishable under Sections 363, 366-A, 376(2)(n) and 506 of the Indian Penal Code, 1860 and Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012.

3) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it is evident that there was a love affair between the applicant and the

victim. Though in the statement, the victim has alleged that there was a threats given by the applicant that he would commit suicide if she did not respond to his wish to meet him, the police have arrested the applicant and the victim from the Hotel on 23rd November, 2023 in the midnight when both were sleeping. In the statement of the victim, she narrated the above referred fact. Thus, prima facie, it is evident that she did not raise any alarm when the applicant allegedly had sexual intercourse with her. It appears that prima facie there was a love affair between the applicant and the victim.

4) The learned Counsel for the respondent-victim, on the other hand, pointed out the judgment of Allahabad High Court in the case of *Mohammad Saif Vs. state of U. P. and Others in Criminal Mis. Application No. 57521 of 2022 dated 28th March, 2023*, to oppose this application.

5) However, considering the above referred observations in paragraph No. 3, I am of the opinion that the applicant is entitled for grant of bail. Hence, I pass the following order.

ORDER

- i. The Bail Application is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No. 639 of 2023, registered with Yeola Police Station, Nashik for the offences punishable under Sections 363, 366-A, 376(2)(n) and 506 of the Indian Penal Code, 1860 and Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012, on furnishing P.R. Bond of Rs.25,000/- (Rupees

Twenty Five Thousand) with one solvent surety in the like amount;

iii The applicant shall not enter into the territorial jurisdiction of Taluka Yeola till the conclusion of the trial except on the date of trial;

iv. The applicant shall provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on 1st day of every month between 12.00 noon to 2.00 p.m., till the conclusion of the trial except on the date of trial;

v. 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;

vi. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;

vii. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

viii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]