

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1757 OF 2024

Vaibhav Pandurang Giri, Age 25 years,
Occ.Labourer, R/o.At Shirvali, Tal.Bhor,
Dist.Pune (Presently lodged at Yerwada Prison) Applicant

versus

1. The State of Maharashtra
2. Ms.X.Y.Z. Respondents

Ms.Saili N.Dhuru, Advocate for Applicant.

None for Respondent no.2.

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

CORAM : ANIL S.KILOR, J.

DATE : 28th 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.179 of 2023 registered with Bhor Police Station, District Pune, for the offences punishable under Sections 376, 376(2)(N), 376(2)(F) of the Indian Penal Code r/w Sections 4, 6 and 8 of Protection of Children from Sexual Offences Act, 2012.

3. The Applicant is in jail from last one year and from the history recorded by the medical officer during victim's medical examination it is recorded that there was a love affair and she stayed with the Applicant for one year. However, in her statement given to the police she stated that there was a promise of marriage by the Applicant and in view of the said promise she permitted the Applicant to establish

physical relations with her and after eight months of her pregnancy she got to know from the doctor that she is pregnant.

4. In the above referred backdrop and considering nature of allegations and the evidence collected by the Investigating Officer during investigation, coupled with the fact that Applicant is in jail from last one year, I am of the opinion that since the charge sheet has been filed, further custody of the Applicant is not necessary. In the circumstances, though learned APP is strongly opposing the application, I am of the opinion that bail can be granted. Hence I pass following order :

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) It is directed that the applicant shall be released on bail in Crime No.179 of 2023 registered with Bhore Police Station, District Pune, for the offences punishable under Sections 376, 376(2)(N), 376(2)(F) of the Indian Penal Code r/w Sections 4, 6 and 8 of Protection of Children from Sexual Offences Act, 2012 on furnishing PR.Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- (iii) The Applicant shall attend Bhore Police Station, District Pune, on every 1st and 16th of every month between 10.00 a.m and 11.00 a.m till conclusion of trial, except on the date 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.)

MST