

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1762 OF 2024

Meghraj Nema Rathod, Age 24 years,
Occ.Service, R/o.Labour Camp, Dhankawadi,
Pune-411 043.

(Presently lodged at Yerwada Central Prison)

Applicant

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1. The State of Maharashtra

2. X.Y.Z.

Respondents

Ms.Priyanka Dable with Ms.Pramila Sathe and Ms.Anita Khawale,
Advocates for Applicant.

None for Respondentno.2.

Mrs.Ashwini Takalkar, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 8th October 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.265 of 2023 registered with Mundhwa Police Station, District Pune, for the offences punishable under Sections 363, 376 of Indian Penal Code r/w Sections 4, 8, 12 of Protection of Children from Sexual Offences Act, 2012.

3. In the present matter the statement of victim was recorded u/s.164 of Cr.PC wherein she has stated that on her own she went with the Applicant. It has come in the statement u/s.164 of Cr.PC that she had knowledge about the fact that Applicant is married and having three children. The Whats App chats between Applicant and

the victim show that the mother of victim had also knowledge about the love affair of the Applicant and the victim.

4. In the circumstances, as the charge sheet has been filed, I am of the opinion that further custody of the Applicant is not required. The learned APP has strongly opposed the application. As I have observed that there was a love affair and with complete understanding of the consequences the victim went on her own with the Applicant, I am of the view that this is a fit case for grant of bail. Accordingly 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.265 of 2023 registered with Mundhwa Police Station, District Pune, for the offences punishable under Sections 363, 376 of Indian Penal Code r/w Sections 4, 8, 12 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 not enter into territorial jurisdiction of Pune District till conclusion of trial, except for trial;
- (iv) The Applicant shall provide his address and name of nearby Police Station to the Investigating Officer and attend said Police Station on 1st and 16th day of every month between 10.00 a.m and 11.00 a.m till conclusion of trial, except on the date of trial;
- (v) The applicant shall not directly or indirectly make any inducement, threat or promise to the victim or any person acquainted with the facts of the case, as also not tamper with the evidence;

(vi) The Applicant shall not directly or indirectly contact the Victim or her family members for any reason;

(vii) Liberty is granted to the State to apply for cancellation of bail if the applicant misuses the liberty granted or commits breach of any conditions;

(viii) 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