

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

CRIMINAL BAIL APPLICATION NO. 3377 OF 2024

Agynesh Haresh Davre

...Applicant

Vs.

The State of Maharashtra and Others

...Respondents

Mr. Rawas A. Naik, for the applicant.

Mrs. Priyanka Rane, APP for State-Respondent.

Ms. Bhakti Jogal, for Respondent No. 2.

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.65 of 2024, registered with Gholwad Police Station, Palghar for the offences punishable under Sections 376 (2)(n) of the Indian Penal Code, 1860 and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
- 3) Though the offence is registered under the POCSO Act, admittedly, there are no documents to show the age of the victim,

whereas an affidavit of the mother of the victim shows that the age of the applicant is 18 years of the age and she got married with the applicant.

4) In absence of any sufficient evidence to show the date of birth of the victim and considering the affidavit of the mother, who has stated that as per the customs and traditions of triables, the applicant and the victim performed the marriage, I am of the opinion that the applicant is entitled for grant of bail.

5) The learned Counsel for the respondent No. 2 is not disputing the above-referred fact and the fact of filing an affidavit of the mother, In the circumstances, 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.65 of 2024, registered with Gholwad Police Station, Palghar for the offences punishable under Sections 376 (2)(n) of the Indian Penal Code, 1860 and Sections 4, 8 and 12 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 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;

- 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 to apply 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.
- vii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]