

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3382 OF 2024

Vaibhav Bhupendra Pawar, Age 30 years,
Occ.Service, R/o.Bhagwant Apartment,
Kakartale, Mahad, Dist.Raigad.
(Presently at Raigad District Central Prison).

Applicant

versus

1. The State of Maharashtra.
2. X.X.X. (victim),
R/o.Tambad Bhuvan, Near Vireshwar Mandir,
Mahad, District Raigad.

Respondents

Mr.Harshad Sathe with Adv.Manvi Sharma for Applicant.
Mr.S.M.Mangaonkar, APP, for State.
Mr.Samay Pawar, HCLSC appointed advocate for Respondent no.2.

CORAM : ANIL S.KILOR, J.

DATE : 6th December 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.75 of 2024 registered with Mahad City Police Station, District Raigad, for the offences punishable under Sections 376(2)(n), 376(2)(f), 328, 506 of Indian Penal Code and u/s.4 and 6 of Protection of Children from Sexual Offences Act,2012.
3. Having perused the charge sheet and material collected by the Investigating Officer during investigation it is evident that on the date of alleged incidence the victim was 17 years 9 months 11 days

old, which shows that she had sufficient maturity on the date of first incident to know the consequences of her action. From the FIR it is further evident that there was a love affair between Applicant and the victim and out of that love affair the applicant established physical relation with the victim.

4. Applicant is in jail from last eight months and in the mean time the charge sheet has been filed. Thus, considering the age of the victim on the date of first incidence and further the fact that Applicant and the victim stayed for two days in a lodge and no complaint was lodged after the said incidence either by the parents of victim or by the victim, prima facie shows that the parents had knowledge about the love affair of the victim with the Applicant.

5. In the circumstances, considering the nature of allegations and the material available on record, I am of the opinion that Applicant is entitled for grant of bail.

6. Learned APP and learned counsel for the victim, however, opposed the application on the ground that DNA report concludes that Applicant is the biological father of the baby of the victim. It is further submitted that if the Applicant is released on bail, he may pressurize the prosecution witnesses including the victim.

7. Learned counsel for Applicant in reply states on instructions that the Applicant is ready to abide by any condition including not to enter into Taluka Mahad, District Raigad till conclusion of trial. 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.75 of 2024 registered with Mahad City Police Station, District Raigad, for the offences punishable under Sections 376(2)(n), 376(2)(f), 328, 506 of Indian Penal Code and u/s.4 and 6 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 Mahad Taluka, District Raigad, till conclusion of trial, except for attending the 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 contact, inducement, threat or promise to the victim and/or any person acquainted with the facts of the case, as also not tamper with the evidence;
- (vi) Liberty is granted to the State for cancellation of bail if the Applicant breaches any condition or misuses the liberty or 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.

(ANIL S.KILOR, J.)