

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

BAIL APPLICATION NO. 2302 OF 2024

Shribash Krishnakanto Burman	...Applicant
Versus	
The State of Maharashtra & Ors.	...Respondents

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Mr. Gaurav Chaubey a/w Mr. Arif Khan i/b Ms. Kavitha Prakash, Advocate for the Applicant.

Mr. C. D. Mali, A.P.P. for the Respondent No.1 – State.

Mr. Harsh D. i/by Mr. H. S. Venegaonkar, advocate for the Respondent No.2.

Adv. Paawani C., Advocate for the Respondent No.3

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CORAM	:	N. R. BORKAR, J.
DATE	:	13th FEBRUARY, 2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.97 of 2023 registered at Nani Daman Police Station for the offences punishable under Sections 363, 376 of the Indian Penal Code (IPC) and Section 6 of the Prevention of Children from Sexual Offences Act (POCSO).
3. According to the prosecution, the victim who is resident of State of Uttar Pradesh, came in search of work to Daman. She met the applicant, who told her that he is labour contractor. It is alleged that he got her employed in one

company at Daman where she worked for 13 to 14 months. It is alleged thereafter that the applicant took her to various places and committed forcible sexual intercourse with her.

4. I have heard the learned counsel for the applicant, the learned A.P.P. for the Respondent No.1-State and the learned counsel for the Respondent No.2.

5. The learned counsel for the applicant submits that the applicant and the victim were in love relationship and even they got married.

6. On the other hand, the learned A.P.P. for the Respondent No.1-State and learned counsel for the Respondent No.2 submits that the victim was forcibly taken to the various places. She was threatened. It is submitted that the family member of the applicant are threatening to the victim and her family members to withdraw the present case. It is thus submitted that the applicant may not be released on bail.

7. I have perused the statement of the victim recorded under Section 164 of Cr.P.C.. *Prima Facie*, the alleged relationship appears to be consensual. The applicant is in jail for more than one year. Considering the overall facts and circumstances of the case, I am inclined to release him on bail subject to certain conditions.

ORDER

- (i) Criminal Bail Application is allowed;

- (ii) The applicant is directed to be released on bail in connection with Crime No.97 of 2023 registered at Nani Daman Police Station for the offences punishable under Sections 363, 376 of the IPC and Section 6 of the POCSO Act on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant or any of his family members shall not contact either the victim or her family members and shall not tamper with the prosecution evidence.
- (iv) The applicant shall attend the concerned Police Station twice in a month i.e., on first and third Saturday between 11:00 a.m. to 1:00 p.m. till conclusion of trial;
- (v) It will be open to the State and the Respondent No.2 to file application for cancellation of bail if the above conditions are breached.
- (vi) Application stands disposed of accordingly.

(N. R. BORKAR, J.)