

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

BAIL APPLICATION NO.2849 OF 2022

Ravi Kamleshkumar Goud ..Applicant
VS.
The State of Maharashtra and Anr. ..Respondents

Mr. Indrajeet Joshi for the Applicant.

Mr. S. V. Gavand, APP for the State.

PI Shivalkar, Dadar Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 16, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail filed by the applicant for the offence punishable under Sections 376, 354D, 509 of the Indian Penal Code, 1860, under Sections 4, 6, 8, 12, 15(2) of the Protection of Children from Sexual Offences Act, 2012 and under section 67(A) of the Information Technology Act, 2000, registered vide C.R. No. 371/2022 with Dadar Police Station.
- 3.** On the date of the registration of the First Information Report i.e. 23/05/2022, the victim was 16 years and 8

months of age. On the date when the incident occurred, the victim must be around 15 years and 3 months of age. The victim was in a love relationship with the applicant. The applicant was 27 of years of age at the relevant time. He was not married. Considering the age of the victim her consent is immaterial. The applicant was arrested on 23/05/2022. The allegations against the applicant are that he circulated 2 nude videos that the victim had sent to him. The victim also alleged that the applicant had forcible sexual relations with her.

4. However, in the statement recorded under section 164 of the Code of Criminal Procedure, 1973, ("Cr.P.C.", for short) the victim does not support that there were physical relations between the victim and the applicant. Even before the learned Sessions Court, the victim stated that nothing had happened between her and the applicant and she was forcibly taken to the police station to file the complaint by her mother and her sister. Before the learned Sessions Court, she stated to have no objection if the applicant is enlarged on bail.

5. The investigation is complete and the charge-sheet

has been filed. From the charge-sheet *prima facie*, there is no material to indicate that it is the applicant who had circulated those videos. These are the matters for the trial Court to decide when the trial is conducted. Suffice it to observe from the statement under section 164 of the Cr.P.C. and version of the prosecutrix before the sessions court, the victim has resiled from the statement recorded under section 164 of the Cr.P.C. about there being having physical relations between them. There are no criminal antecedents reported against the applicant. The applicant is now in custody for more than 7 months. The trial is likely to take a long time to conclude. In this view of the matter, the applicant can be enlarged on bail. Hence, the following order.

ORDER

(a) The applicant- Ravi Kamleshkumar Goud in connection with C.R. No. 371/2022 registered with Dadar Police Station, shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- with one or more sureties in the like amount;

(b) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 4 weeks in lieu of surety.

(c) The applicant shall report to the investigating officer of the concerned police station once a month between 11.00 a.m. and 1.00 p.m and thereafter as and when called;

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant should not tamper with evidence;

(e) The applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.

6. The application is disposed of.

(M. S. KARNIK, J.)