

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.468 OF 2015

Rakesh Limbaji Chavan ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.A.S. Patil for the Applicant
Mr.R.V. Newton, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 18, 2015**

P.C.:

1. This is a case where the applicant/accused is facing charges of rape and is prosecuted under sections 363, 366A and 376(2)(1)F of the Indian Penal Code and under sections 4, 6 of the the Protection of Children from Sexual Offences Act, 2012. The applicant/accused was a teacher and the date of birth of the prosecutrix is 13.7.2000 and she is studying in 9th standard. He seduced him and she took her away from 25.9.2014 to 28.9.2014. she was found alongwith the applicant at Kolhapur. The applicant/accused was arrested. The mother of the prosecutrix gave complaint pursuant to which the offence was registered at C.R. No.176 of 2014 at Vadgaon police station.

2. The learned Counsel for the applicant/accused submitted that the applicant/accused is in prison since last four months. He submitted that the girl had given consent and no force was administered on her.
3. The learned Prosecutor has opposed the application.
4. On perusal of the record, it appears that the applicant/accused is a married person & a teacher of the victim girl. The victim girl was a minor and hardly 15 years old at the time of the incident. There is no question of consent or force and hence, the application is rejected.

(MRS.MRIDULA BHATKAR, J.)