

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

CRIMINAL BAIL APPLICATION NO. 1053 OF 2015

Rahul Sopan Jadhav .. Applicant

v/s.

State of Maharashtra ..Respondent

Mr. Tapan Thatte for the applicant
Mr. S.S. Pednekar, APP for respondent State

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 16th NOVEMBER, 2015.**

P.C.

1. The applicant herein is the accused in Sessions Case No.295 of 2014 for offence punishable under Sections 363, 366 and 376 of the IPC and Section 3 and 4 of the Protection of Children from Sexual Offences Act.

2. The record *prima facie* reveals that the mother of the victim had lodged the complaint with Pimpri Police Station, Pune alleging that the applicant herein had sexually assaulted her minor daughter by promising to marry her. On the basis of the said FIR,

Crime No.376 of 2014 under Sections 363, 366, 376 of the IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act was registered. The applicant was arrested on 14.08.2014 and is in custody till date. The bail application filed before the learned Sessions Court was dismissed mainly on the ground that there is *prima facie* material to show that the applicant has committed rape on a minor girl and the offence being serious nature, the applicant was not entitled for bail.

3. I have perused the record. The records *prima facie* reveal that the victim girl was 17 years of age on the date of the incident. Though she was a minor within the meaning of Section 2 (d) of the Protection of Children from Sexual Offences Act, she was on the verge of attaining the age of majority. The statement of the victim reveals that the applicant was known to her and had sexual intercourse with her even prior to 14.08.2014. The statement of the victim *prima facie* reveals that she and the applicant were residing in Room No.7 of one Satkar at Mawal, Pune and that

during that period, they had sexual intercourse with each other and that the parents of the victim had traced them in the said room and had taken them to the police station. The statement of the victim also reveals that she had declined to go to her parent's house and had expressed her desire to go to protection home. It is also submitted that the victim is now attained majority and has already married another boy of her parent's choice. In the light of above peculiar facts and circumstances, in my considered view, the applicant is entitled for bail. Hence, the application is allowed on the following terms and conditions.

(i) The applicant shall be released on bail on furnishing bail bonds of Rs.15,000/- with one surety in the like amount to the satisfaction of the learned Additional Sessions Judge, Pune.

(ii) The applicant shall furnish his permanent as well as local address to the learned Magistrate and till filing of the charge-sheet, the applicant shall not leave the jurisdiction of the learned

Additional Sessions Judge, Pune without prior permission of the Court.

(ANUJA PRABHUDESSAI, J.)