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

CRIMINAL BAIL APPLICATION NO.504 OF 2017

Rohit @Vishwas Raju Awale	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.R.A.Zade, for the Applicant.

Mr.Rajan Salvi, A.P.P. for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 3rd APRIL, 2017

P.C. :

1. Heard learned counsel for the Applicant and the learned APP for the Respondent - State.

2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.562 of 2016 registered with the Hadapsar Police Station, Pune for the alleged offences punishable under Section 376 of the Indian Penal Code and under Section 5j(ii), 6 of Protection of Children from Sexual Offences Act.

3. The complainant is Dr.Manda Ghorpade. She has stated that on 24th August, 2016, at about 6.00 p.m., one girl came to the hospital and reported pain in her abdomen, pursuant to which she suggested that sonography be done. However, as the Sonography Centre was closed, she asked the victim girl to come on the next day. On 25th August, 2016, at about 1.00 p.m. when the victim girl came with her mother to the hospital, the sonography test of the victim girl was done. The sonography report showed that the victim girl was 19 weeks pregnant. On enquiring, the victim girl disclosed that her mother was doing household work in the neighbouring house and her father was in a habit of drinking liquor and since their house was small, she used to go to her maternal uncle's mother-in-law's house to sleep. At the said place, the applicant was residing with his wife. The applicant's wife was pregnant at the relevant time. According to the victim girl, the applicant would chat with her frequently and had compelled her to have physical relations with him, by promising her marriage. The applicant is also alleged to have disclosed to the victim girl that in their family they could get married twice. The statement of the victim girl supports the disclosure made by her to the complainant. The victim girl has stated that the applicant promised to look

after her for life and had forcible sexual relations with her by promising her marriage, pursuant to which she became pregnant. The victim girl at the relevant time was 17 years of age and the applicant about 22 years. The applicant has been in custody since 26th August, 2016. The history given by the victim girl shows that the applicant was known to her since her childhood. She has stated that due to lack of space in her house, she used to go and sleep in the applicant's house. She has stated that the applicant had disclosed to her that he liked her and that he would live with her for life and convinced her to have sexual relations with her on several occasions. She has stated that on some occasions it was with her consent and some times without her consent. The applicant was arrested pursuant to the complaint and has been in custody since 26th August, 2016.

4. Although the leaned counsel for the applicant urged that it is a case of love affair and as such a case of consensual relations by consent, considering the fact, that the victim girl was a minor at the relevant time, consent is immaterial. However, in the facts of the present case and considering the fact that investigation is complete and charge- sheet is filed the application is allowed and the applicant is enlarged on bail on the

following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Monday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicant shall not enter the jurisdiction of Hadapsar Police Station, except for the purpose of attending the police station, as mentioned in clause (ii);
- v) The Applicant shall not contact the prosecutrix or attempt to influence the complainant or any persons concerned with the case;
- vi) The Applicant shall co-operate in the conduct of the trial.

5. The Application is allowed and disposed of in above terms.
6. It is made clear, that the observations made herein, are prima-facie, for the purpose of deciding this application.
7. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)