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

CRIMINAL BAIL APPLICATION NO.515 OF 2017

Atish Sukhdev Darekar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.A.U.Nikam, i/b Mr.Ashish Satpute, 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 learned APP for the Respondent - State.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.526 of 2016 registered with the Shikrapur Police Station, Pune for the alleged offences punishable under Section 363, 366(A), 376(2)(i) of the Indian Penal Code and under Section 4 of Protection of Children from Sexual Offences Act.

3. A perusal of the statement of the victim girl aged 15 years 9 months shows that the applicant, aged 19 years was known to her, from the 6th standard. She has stated that they started meeting each other and this was objected to by her sister and hence they started meeting at places where they would not be seen. She has stated that her sister had reported the said fact to her parents. She has stated that she was given an understanding not to meet the applicant and hence for a year, she did not meet the applicant. She has further stated that after a year the applicant went to Chandan Nagar to study and that they again started meeting each other. The applicant is stated to have given her a mobile phone, so that she would call him up at any time. She has further stated that on 16th August, 2016 she had gone to meet the applicant and was chit chatting, when her sister caught them and again reported the said fact to her parents. On 17th August, 2016 the applicant told her they will get married and they should run away from home. Pursuant thereto, the victim girl accompanied the applicant to Goa, stayed at several places and had physical relations with the applicant. Thereafter, pursuant to a complaint lodged by the victim's parents' the applicant was arrested. Although, it seems to be a case of love

affair, the prosecutrix at the relevant time was a minor and hence consent is immaterial. The applicant has been in custody since 2nd September, 2016. Charge-sheet has also been filed.

4. Considering the aforesaid, 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 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;
- iii) The Applicant shall not contact the prosecutrix or any persons concerned with the case;
- iv) 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.)