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

CRIMINAL BAIL APPLICATION NO.723 OF 2017

Lahu Sunil Saigaonkar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.B.R.Sharma, for the Applicant.

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

P.H.C. - P.N.Sandive, Koregaon Park Police Station, Pune.

CORAM : REVATI MOHITE DERE, J.

DATE : 10th 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.72 of 2016 registered with the Koregaon Park Police Station, Pune, for the alleged offences punishable under Sections 363, 376 of the Indian Penal Code and under Sections 4 and 8 of

Protection of Children from Sexual Offences Act.

3. Perused the papers. The applicant is related to the prosecutrix. The prosecutrix at the relevant time was aged 17 years and the applicant was 19 years. A perusal of the history given by the prosecutrix in her own language to the doctor of Sassoon Hospital shows, that she knew the applicant since childhood, as he is her cousin. She has stated that in May 2016 the applicant proposed to her and pursuant thereto they started their relationship. She has stated that on 8th August, 2016, she ran away with the applicant to Shirdi and Bhiwandi, where they stayed for 5 and 3 days respectively. She has given history of 2 episodes of penetrative sexual vaginal intercourse with last episode on 13th August, 2016. On 15th August, 2016, the prosecutrix came to Thane Railway Station, where the applicant's mother saw them and brought them home and notified the prosecutrix's parents. The medical evidence shows that there is no evidence of any external injuries on her body parts; that her labia minora is normal and there is no evidence of inflammation or injury; and that the hymen had multiple old healed tears. The statement of the prosecutrix is consistent with the medical evidence. Although, it appears to be a case of consent,

consent is immaterial, since the prosecutrix was a minor, at the time of the incident. Investigation is complete and charge-sheet is filed. The applicant has been in custody since 16th August, 2016.

4. Considering the peculiar facts of this case, 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.15,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on first Monday of every month, between 10:00 a.m. to 11:00 a.m., noon, 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 Koregaon Park 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* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

7. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)