

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

BAIL APPLICATION NO.1369 OF 2018

Sachin Machindra Shinde	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Shashikant P. Chaudhari with Mrs. Snehal S. Chaudhari, Mr. Nilesh G. Tank, Mr. Pranot P. Pawar I/b. M/s. Maharashtra Law Associates for the Applicant.

Mr. N.B. Patil, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 29th AUGUST, 2018.

P.C.:-

This is an application under Section 439 of Cr.P.C. filed by the aforesaid Applicant, who has been arrested in Crime No.400 of 2017 registered with Waduj Police Station, District-Satara, for offences punishable under Sections 363, 366(A), 376(2) (N) of the IPC and Sections 4 and 10 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard Mr. Shashikant P. Chaudhari, the learned counsel for the Applicant and Mr. N.B. Patil, APP for the Respondent-State. Perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The material on record prima facie indicates that the victim girl was 16 years of age. The FIR reveals that on 17th November, 2017 the Applicant herein had called her from the school and had taken her to Karad. The statement of the victim reveals that she was in the company of the Applicant from 17th November, 2017 to 23rd November, 2017 and that they had visited several places during this time and also had physical relationship. It is true that the victim girl was a minor as on the date of the incident and hence consent is of no consequence. However, considering the fact that the Applicant is in custody since 24th November, 2017 and that the investigation is completed and charge sheet has been filed, in my considered view this is not a fit case to detain the Applicant in custody pending trial.

4. Hence, the following order:-

(i) The Bail Application is allowed.

(ii) The Applicant is ordered to be released on bail on furnishing bail bonds of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Waduj, District -Satara.

(iii) The Applicant shall not interfere with the victim or other

witnesses in any manner.

- (iv) The Applicant shall furnish his permanent as well as temporary address, if any and his contact details to the Investigation Officer.
- (v) The Applicant shall not change his residential address without prior intimation to the concerned Investigation Officer.

(SMT. ANUJA PRABHUDESSAI, J.)