

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

BAIL APPLICATION NO.2615 OF 2018

Ramchandra Sambhaji Sonawane	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Abhay A. Jadhavar i/b. Mr. Sachin T. Zalte for the Applicant.
Mr. S.H. Yadav, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 8th OCTOBER, 2018.

P.C.:-

This is an application under Section 439 of the Cr.P.C. filed by the aforesaid Applicant, who has been arrested in C.R. No.351 of 2017 registered with Kondhwa Police Station, District -Pune, for offences punishable under Sections 363, 366 A, 376(2) (i) (j) (n) of the Indian Penal Code and under Sections 4,6,8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard Mr. Abhay Jadhavar, the learned counsel for the Applicant and Mr. S.H. Yadav, the learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR

lodged by the father of the prosecutrix. The FIR prima facie reveals that the prosecutrix, who was 17 years of age, had left the house on 4.9.2017 at about 12.00 p.m. and that she had not returned home. The father of the prosecutrix had therefore lodged the FIR against an unknown person for kidnapping his daughter. In the course of the investigation the prosecutrix was traced at Solapur. It was revealed that she was residing with the Applicant in the house of his relative. The statement of the prosecutrix was recorded. Her statement prima facie reveals that the Applicant was known to her and that she had left the house on 4.9.2017 and had accompanied the Applicant to Pune and thereafter they had gone to Solapur. She had lived with the Applicant from 4.9.2017 till 14.9.2017. During this period she had not told anyone that the Applicant had compelled her to accompany him or that he had forced himself upon her. This gives a prima facie indication that the prosecutrix was a consenting party. However, the consent is not material as the prosecutrix was below 18 years of age and the fact that the Applicant had sexual relationship with the prosecutrix, even with consent of the prosecutrix, would prima facie constitute statutory rape.

4. Be that as it may, it is seen that the charge sheet has

already been filed. The presence of the Applicant is therefore not required in custody for the purpose of investigation or interrogation. The Applicant is a young boy in his early 20's. He is in custody since 14.9.2017. Detaining him further is likely to bring him in contact with other criminals which may turn him into a hardened criminal.

5. Considering the above facts and circumstances, this would be a fit case for grant of bail. Hence, the following order:

- (i) The 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 solvent sureties in the like amount.
- (iii) The Applicant shall report to the Investigation Officer or Sr. P.I. of Kondhwa Police Station on first Monday of every month until further orders.
- (iv) The Applicant shall furnish his permanent as well as temporary address, if any, and his contact details to the concerned Investigation Officer.
- (v) The Applicant shall not change his residential address without prior intimation to the concerned Investigation Officer.

(vi) The Applicant shall not interfere with the prosecutrix and /or other witnesses and tamper with the evidence in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)

Megha
Shridhar
Parab

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by Megha
Shridhar Parab
Date:
2018.10.09
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