

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

CRIMINAL BAIL APPLICATION NO.1784 OF 2018

Arhant Janardan Sunatkari

.. Applicant

Vs.

State of Maharashtra

.. Respondent

.....

Mr.R.B. Raghuwanshi i/b. Mr.Ratnesh M. Dube, Advocate for the Applicant.

Ms.A.A. Takalkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : SEPTEMBER 25, 2018.

P.C. :

Applicant is seeking bail in connection with C.R. No.I-24 of 2018, registered with Sanpada Police Station, Navi Mumbai, for the offences punishable under sections 376 and 354 of Indian Penal Code (For short “IPC”) and Sections 3(a)(c) and 5(j)(l)(n) of Protection of Children from Sexual Offence Act (for short “POCSO”). The applicant was arrested on 3rd March, 2018.

2 FIR was lodged by the teacher of the school where the victim was studying. The victim is aged about 14 years. Friend of the victim informed the teacher that the victim is suffering from abdominal pain and hence inquiries were made by

the teacher with the victim. At that time, she had informed that she is residing with her uncle and cousin. It was further stated that the accused had outraged her modesty on several occasions, and, committed sexual intercourse with her. FIR was thereafter registered with the Sanpada Police Station, Navi Mumbai on 3rd March, 2018.

3 Investigation was conducted by the police. Statements of various persons were recorded. Charge-sheet has been filed. Case of the applicant is that he was aged about 17 years. Applicant and victim being related to each other and were residing in the same house and were acquainted with each other and there was consensual relationship between them. It is submitted that the applicant is a student and even while in custody, he was permitted to appear examination. Learned counsel for the applicant pointed out the statement of the victim girl, which was recorded on 5th March, 2018, under Section 164 of Criminal Procedure Code. In the said statements, she has stated that there was no penetration at the time of the alleged incident and that the physical relationship between the applicant and the accused was consensual.

5 Learned APP submitted that the applicant was minor at the time of incident. The victim disclosed the incident to her friend, whose statement was recorded on 3rd March, 2018, wherein she has stated that the victim had informed her that the accused had forcible sexual relationship with victim. Statement of teacher also fortifies the version of the victim. It is submitted that the investigation is completed.

5 I have perused the charge-sheet, which is tendered across the bar, and, more particularly, the statement of victim child recorded under Section 164 of Criminal Procedure Code. Applicant is the cousin of the victim child who is aged about 19 years. They was acquainted with each other. Statement of the victim was indicate that they were in relationship. There was no penetration. Medical evidence does not indicate penetration. Investigation is completed and charge-sheet is filed. Applicant is a student having no criminal antecedents. In the circumstances, case for grant of bail is made out.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.1784 of 2018, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R.No.I-24 of 2018, registered with Sanpada Police Station, Navi Mumbai, on his furnishing P.R. Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;
- (iii) Bail Application No.1784 of 2018, stands disposed of.

(PRAKASH D. NAIK, J.)