

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2804 OF 2017***

Sajan Baban Langhi	Applicant
Versus	
The State of Maharashtra	Respondent

Mr. priyal Gopaldas Sarda, for the applicant.

Mr.S.H.Yadav,APP, for the State.

Mr. S.N.Nadekar, Police Naik,Khed Police Station, Pune, present.

CORAM : SMT. SADHANA S.JADHAV, J.

DATE : 7th February, 2018.

P.C. :

1. Heard. This is an application under Section 439 of Cr.P.C.The applicant herein is arrested on 26.4.2017 in Crime No.141 of 2017 registered at Khed Police Station. The investigation is completed and charge sheet is filed under Section 376 read with Section 34 of the Indian Penal Code and Sections 4, 6, 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. It is the case of the prosecution that on 25.4.2017, one Ms. `X' lodged a report at the police station alleging therein that she was studying in Arts, Commerce & Science Junior & Senior College Dehene at Taluka

Khedin 11th Std. She had got acquainted with the present applicant who was then studying in 12th Std. They had exchanged their cellphone numbers. The applicant had expressed his love and attraction towards her. They were deeply in love with each other. She used to visit his home quite often when there was nobody at home. They had established intimate relationship. Thereafter, one day the intimacy had precipitated into sexual relationship. They had physical relationship. In March 2017, she had missed her menses. The applicant had given her a kit of pregnancy test which turned out to be positive. Soon thereafter, the applicant had informed his parents about the same. Since the victim and the applicant were too young, the father of the applicant had taken her to a Gynaecologist to confirm the pregnancy. Once it was confirmed the father who happens to be the co-accused was of the opinion that there is no other alternative but to get them married and was intending to get them married. He had suggested that the pregnancy deserves to be terminated in view of the age. However, the Gynecologist was of the opinion that unless the consent form is signed by the parents of the victim, they could not have terminated the pregnancy and hence the first informant had no other alternative but to inform her parents about her relationship with the applicant. The mother of the

complainant had sent her to her maternal uncle's place to confirm pregnancy. Thereafter, the mother of the first informant had decided to get the foetus terminated and they had been to Sassoon Hospital on 25.4.2017. Taking into consideration the age of the first informant, the doctors were of the opinion that it is a medico-legal case and hence the police was informed about the same. Thereafter, the first information report was lodged and the applicant has been arrested.

3. Upon perusal of the papers of investigation, more particularly the statement of Ms. 'X', which is in the form of FIR as well as the statement before the doctor, at the time of clinical examination which showed that the victim was in love with the applicant. It is apparent that this could not be a case of forcible sexual intercourse. Ms.'X' had disclosed to the police that the applicant had given a message to the friends asking her to meet him at Mobile & Photography shop of Sanjay Barud. The statement of Sanjay Barud was recorded which showed that he had employed the present applicant in his shop as helper since there was heavy load of work. He had no knowledge as to whether Ms.'X' was visiting his shop. According to him, since his shop is situated near a college, several students, boys and girls, visit his shop quite often and therefore he does not

recollect as to whether Ms.`X' had visited him. However,he had learnt from other boys that there was a love affair between the applicant and Ms.`X'.

4. From perusal of the records, it appears that the young boy and girl were in love with each other and had established physical relationship. The investigation is completed and charge sheet is filed. The applicant is hardly 18 years old. It is in these circumstances that the applicant deserves to be enlarged on bail.

5. It is made clear that the observations are prima facie in nature and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

(i) The application is allowed.

(ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.

The application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)