

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

BAIL APPLICATION No. 2969 OF 2017

Prasad Shivaji Talekar

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Satyavrat Joshi for Applicant

Mr. Vinod Chate -APP

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JUNE 25, 2018

P.C.

1. Heard. This is an application filed under section 439 of the Criminal Procedure Code.

2. The Applicant herein is arrested on 18th April, 2017 in Crime No. 137 of 2017 registered at Sinhagad Road Police Station for the offences punishable under Section 376 of the Indian Penal Code and under Section 4 and 8 of the Protection of Children from Sexual Offences Act, 2012.

3. It is the case of the prosecution that on 15th April, 2017, Ms. 'X' lodged a report at the police station alleging therein that she is studying in 11th Std. That

she was acquainted the the Applicant, who happens to be her neighborer. They were in love. They used to meet each other at various places. He was in a habit of checking her cell phone and always suspected her . He had also threatened her of dire consequences and finally she had informed the Applicant that she is more interested in her career and subsequently she had blocked him on cell phone. However, he continued to call her on the phone of her mother and her friend. On 10th March, 2017, he had called Ms. 'X' from an unidentified number and asked her to meet him since he had to discuss some important things with her. He called her to Abhiruchi Mall, Dhayari, Pune. She met him and he had taken her to Hotel Flamingo. They had sexual intercourse. She had not agreed for the same but under the threat that he would commit suicide she had obliged. He had assaulted Ms. 'X' by pushing her head on the wall. That on 6th April, 2017 her matrimonial uncle had informed that his daughter Asmita had received some pictures on her cell phone. That the Applicant had taken her objectionable photographs when they were at Hotel Flemingo at Dhayari. She was scared and ,therefore, she was staying for two days in Swargate. Finally she reached home. The police accosted her. Then her statement was recorded and the offence was registered. The prosecutrix was sent for medical examination and she had disclosed that she was acquainted with the Applicant for last two years. They

had non-consensual sex. He had taken her photographs and sent to her sister.

4. The learned counsel for the Applicant vehemently submits that they were in love relationship and only after the parents had seen the pictures, she was scared and thereafter, she was constrained to file a report and prays that the Applicant be enlarged on bail.

5. The submissions made by the learned counsel for the Applicant are not acceptable. Even if they were in love, there was no reason for the Applicant to take her photographs or take video of their act and forwarded it to her relatives and friends.

6. Taking into consideration the conduct of the Applicant and the act committed, this Court is not inclined to grant bail. Application for bail stands rejected on merits. The Special Court shall not be influenced by the observations made hereinabove.

[SMT. SADHANA S. JADHAV, J.]