

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

CRIMINAL BAIL APPLICATION NO.634 OF 2019

Prashant Raghunath Sutra
V/s.

....Applicant

The State of Maharashtra

....Respondent

Mr. Sanjeev Kadam, i/b. Prashant P. Raul, for the Applicant.
Mr. H. J. Dedhia, APP for the Respondent- State.

CORAM : PRAKASH D. NAIK, J.

DATE : 12th December, 2019

P.C.:

1. The applicant is arrested in connection with C.R.No.238 of 2018, registered with Dahivadi Police Station, District-Satara, for the offences punishable under Sections 363, 366, 366-A, 376(2), 376(F), 376(2)(i), 376(2)(j), 376(2)(n), 506, 34 of the Indian Penal Code & r/w. 4. 5(c), 5(f), 5(L), 8 of Protection of Children from Sexual Offences Act, 2012.

2. The prosecution case is that, the victim was aged about 17 years 2 months at the time of lodging First Information Report. The FIR was lodged on 04th October 2018. The victim was known to the applicant as he was her teacher in the past. Subsequently, the victim took admission in the college. Both of them continued to meet. It is alleged that, the applicant had promised the victim of

marriage. There was physical relationship between them. The first incident of sexual relationship had occurred allegedly on 02nd October 2017, and subsequently in November 2017, December 2017 and April 2018. On the aforesaid dates, the applicant and victim allegedly had sexual relationship.

3. The learned advocate for the applicant submits that, the victim was aged about 17 years 2 months and she was of age of understanding. She accompanied allegedly the applicant-accused and she had visited several places and there was physical relationship between them. The applicant is in custody from more than 1 year. There are no criminal antecedent against him. The relationship was consensual. The medical evidence does not support the prosecution case. It is submitted that medical examination indicate that, there is no definitive evidence of sexual intercourse as incident had happened six months ago.

4. Learned APP submitted that, the applicant was once upon a time teacher of the victim and he should have taken responsibility and understood situation. The victim was minor. He induced victim to have physical relationship.

5. On perusal of the FIR and documents on record it appears that, the victim had physical relationship with applicant on several

occasions from October 2017 to April 2018. Both of them had allegedly visited various places. The victim had visited house of applicant at Devur, Koregaon. She was introduced to his parents. She stayed there. She slept in his bedroom. They had physical relationship. In November 2017, she met applicant. They went to Dahivadi from Satara. They stayed in a room. There was sexual relationship. Again in December 2017 and April 2018 on 3 to 4 occasions they had physical relationship in bedroom of accused. Both had visited hospital for treatment. Her name was disclosed as Pooja Kadam. In May 2018, victim went to room hired by accused. She went to flat arranged by applicant. She was noticed by neighbor. He gave call to her father. The applicant is in custody from more than one year. Charge sheet is filed. There are no antecedents against applicant.

6. In the light of factual matrix of this case, bail can be granted to the applicant.

ORDER

- (i) Bail application No. 634 of 2019 is allowed.
- (ii) The applicant is directed to be released on bail in connection with C.R.No.238 of 2018 registered with Dahivadi Police Station on

furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall report concerned police station once in a month on every first Saturday between 10:00 a.m. to 12.00 p.m. till further order.

(iv) Applicant shall not approach the victim or her relatives and shall not tamper with the evidence;

(v) Bail Application No.634 of 2019 stands disposed of.

(PRAKASH D. NAIK, J.)