

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

CRIMINAL BAIL APPLICATION NO. 1396 OF 2018

Sachin Shivaji Sutar ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Aniket Nikam for Applicant.

Mr. S. S. Hulke, APP for Respondent – State.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 22, 2019.

P.C. :

. In Crime No. 201 of 2017 for an offence punishable under Sections 363, 376, 506 of the Indian Penal Code and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, the Applicant is seeking regular bail. After the arrest of the Applicant on 6th September 2017 for the offences referred above, he came to be chargesheeted.

2. The Applicant – a married person took the victim girl to Gujarat, made her to stay with him and committed offence of rape. As such, the crime in question.

3. The learned Counsel for Applicant would urge that the Applicant is behind the bars from last more than two years. According to him, if the entire prosecution story is appreciated, it can be easily inferred that the victim girl had consented to the alleged act. According to him, as such, he is entitled to be released on bail.

4. The learned APP opposed the claim. Admittedly, the victim girl is a minor when the incident took place. The Applicant who is already married lured the said victim, took away her to Gujarat and committed the alleged offence. Since the Applicant and the victim was knowing each other, the fact that she is a minor was well within his knowledge, as could be inferred from the prosecution story.

5. That being so, the consent extended by the victim girl will be of hardly any consequences, particularly when the Applicant is a married person.

6. As such, the Bail Application fails. Hence rejected.

(NITIN W. SAMBRE, J.)