

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

CRIMINAL BAIL APPLICATION NO. 1654 OF 2019

Mr. Dinkar Raghunath Patole

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Shashikant P. Chaudhari i/b. Maharashtra Law Associate, for the Applicant.

Ms. S. S. Kaushik, APP for the State/Respondent.

Mr. M. S. Jadhav, API, SWIC, EOW, Satara, present.

CORAM :SARANG V. KOTWAL, J.

DATE :30th SEPTEMBER, 2019

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No. 19 of 2019 registered with Pusegaon Police Station, Dist. Satara, under sections 376, 376(3) and 506 of the Indian Penal Code and under sections 3, 4 and 6 of The Protection of Children from Sexual Offences Act, 2012.

2. The FIR is lodged by the prosecutrix herself. She was 15 years of age at the time of lodging of FIR. It was stated that she

was studying in 10th standard. In the month of June 2018 when she was going towards her class, the applicant followed her and offered to give her lift on his motorcycle. Thereafter, the applicant regularly started her giving lift. On one occasion, instead of taking her to her class, she was taken by the applicant to a secluded spot and the applicant had committed rape on her. It is her case that it was committed against her wish. The applicant had threatened her and thereafter under threats, he repeated the offence on more occasions. Their physical relations resulted in the prosecutrix getting pregnant. Even then the applicant continued threatening her. On this basis, the FIR is lodged. The applicant was arrested on 02/02/2019 and since then he is in custody. The investigation is over and the charge-sheet is already filed.

3. Heard Shri. Shashikant Chaudhari, learned counsel for the applicant and Ms. S. S. Kaushik, learned APP for the State.

5. Learned counsel for the applicant submitted that the description of the FIR shows that it was a consensual relationship, therefore, bail should be granted to the applicant. Learned APP opposed this application.

6. It is significant to note that the applicant is 34 years of age and learned APP, on instructions, makes a statement that the applicant was already married with two children at the time of commission of offence. The prosecutrix gave birth to a child.

7. I have considered these submissions. The applicant has ruined many lives. He was 34 years of age, a married man with two children, in spite of that he had committed this act on 15 years old girl. No leniency can be shown to him. I am not inclined to grant bail to the applicant.

8. The application is rejected.

(SARANG V. KOTWAL, J.)