

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2009 OF 2019

Jaidip Hari Devkate, Age 26 years,
Occ.Business, R./o.Sathephata, Tal.Phaltan,
Now R/o.Tisri Khetwadi, 1st floor,
Room no.22, Near Cinema Hall,
Sirgaon, Mumbai,
presently lodged at Jail.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Kuldeep S. Patil i/by Prashant S. Hagare for applicant.
Mr.H.J.Dedhia, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 19th November 2019

PC :

1. The applicant is arrested on 19th April 2019 in connection with CR No.137 of 2019 registered with Phaltan Police Station for offences under Sections 376 of IPC and under Section 4 of Protection of Children from Sexual Offences Act, 2012.

2. The case of prosecution is that the FIR is lodged by the mother of the victim. The victim is aged about 16 years at the time of incident. On 17th April 2019 the victim wanted to go to her friend, however, she was not allowed by the complainant. After having quarrel with her mother, the victim left home with her bag. She did not return home till next day. Hence, search was carried out. A

complaint was lodged with Police. On 18th April 2019 the victim returned home. She told the complainant that she had left house on 17th April 2019 after having quarrel with the complainant. She went to the house of friend of her uncle (applicant). Both of them went to the flat of applicant. The wife of the applicant and his children were not at home. The victim stayed with the applicant at his flat through out the night. There was physical relationship between them.

3. The statement of the victim was recorded u/s 164 of Cr.P.C. She stated that the applicant was a friend of her uncle. He used to visit their house. He had proposed her for marriage. She was in love with the applicant. On 17th April 2019 the victim wanted to go out. However, the complainant did not allow her to do so. Hence the victim left the house and went to the flat of applicant. He was alone at home. There was physical relationship between them. She further stated that she was aware that the applicant is a married person and that he is having children. She knows the applicant since her childhood. It is also apparent that the victim has refused to undergo medical examination.

4. It appears that the complainant and the victim were known to each other. The victim is aged about 16 years which is the age of understanding. She has voluntarily visited the house of the applicant. There was physical relationship between them on the night of 17th April 2019.

5. Considering aforesaid circumstances, bail can be granted to the applicant. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.2009 of 2019 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.137 of 2019 registered with Phaltan Police Station, District Satara, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report Phaltan Police Station, District Satara once in a month on every first Saturday between 10 am and 12 noon till next orders;
- (iv) The applicant shall not tamper with evidence.

(PRAKASH D. NAIK, J.)

MST