

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2482 OF 2019

Vikas @ Sakharam shivaji Mohite
versus

Applicant

The State of Maharashtra

Respondent

Mr.Umesh H. Pawar for applicant.
Mr.Prashant Jadhav, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 5th November 2019

PC :

1. The applicant is seeking bail in CR No.365 of 2018 registered with Karad City Police Station, District Satara for offences under Sections 363 and 376 of IPC and Sections 4, 5(J)(ii), 6(L), 9(L), 10 of Protection of Children from Sexual Offences Act, 2012. The FIR was registered on 28th April 2018 by grandfather of the victim.

2. The prosecution case is that the victim was missing from house and hence the FIR was registered for offence u/s 363 of IPC. Subsequently the statement of victim who is aged about 14 years and 3 months, was recorded on 1st May 2018. In her statement she has stated that she was acquainted with the applicant-accused since last two years. On 10th December 2017 the applicant and victim had proceeded to Jakhinwadi on motorcycle. At that time on promise of marriage the applicant had sexual intercourse with victim on the mountain without her consent. Three weeks thereafter applicant took her to field at Gopal Vasti and repeated the act. Even thereafter on 3 to 4 occasions applicant had physical relation with victim without her consent. She accompanied the applicant on 23rd April 2018 and went to Akuj with

the applicant and went to house of applicant's sister. From 23rd April 2018 to 1st May 2018 they stayed there. The applicant gave call to his father. He informed that complainant has been lodged with Kevad Police Station by victims grandfather and if victim is with him they should approach Kavad Police Station. Thereafter both of them visited Kavad Police Station. It is alleged that victim was reported to be pregnant. At the time of medical examination the victim had stated that from 25th April 2018 to 1st May 2018 she was staying with the applicant. The victim and applicant got acquainted in December-2017. Since then they were continuously in relationship. On 23rd April 2018 they went to Datta Mandir at Akluj and performed marriage.

3. The investigation is complete and charge sheet is filed. The applicant was aged about 20 years at the time of incident. Learned APP submitted that the victim was minor at the time of offence and consent is immaterial. Perused the statement of victim, medical history and taken into consideration the factual matrix of the case. The applicant is in custody from 1st May 2018. The victim and accused were acquainted since December-2017. There was physical relationship repeatedly. Learned counsel for applicant submitted that applicant is willing to stay at Karve, Taluka Karad.

4. Hence, I pass following order :

ORDER

(i) Criminal Bail Application No.2482 of 2019 is allowed and disposed of;

(ii) The applicant is directed to be released on bail in CR No.365 of 2018 registered with Karad City Police Station, on furnishing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;

(iii) The applicant shall not stay within the jurisdiction of Karad City Police Station and shall stay at Karve, Taluka Karad during pendency of trial and shall attend the trial regularly on the date of hearing;

(iv) The applicant shall not tamper with evidence and shall not approach the victim or the witnesses.

(PRAKASH D. NAIK, J.)

MST