

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2734 OF 2019

Ashutosh Sawta Pharande

....Applicant

V/s

The State of Maharashtra

...Respondent

....

Mr. Sachin H. Deokar, Advocate for the Applicant.

Mr. S.H. Yadav, APP for State-Respondent.

....

CORAM : PRAKASH D. NAIK, J.

DATE : 6th November 2019

PC :

1. This is an application for bail, the applicant is arrested on 10th March, 2019 in connection with C.R. No. 99 of 2019 registered with Rural Police Station, Phaltan for offence punishable under Sections 363, 376G of Indian Penal Code and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. The FIR was lodged on 7th March, 2019 against unknown person alleging that the victim is missing from the house and in spite of search she was not found, victim was found in company of accused. The statement of victim was recorded on 9th March 2019. She is aged about sixteen years six months at the time of the incident.

3. She stated that, she had attended her school and appeared for examination on 7th March 2019. Thereafter, she was waiting at the S.T. bus stand. The accused was known to her, He told her that he would drop her. She accompanied him on his motor cycle and both of them went to place called as 'widnee'. Thereafter they went to a lodge. The accused then committed forceful sexual intercourse with her. They had boarded at lodge thereafter, together on the next day from 11.00 a.m. to 10.00 p.m. they again stayed in the shed near the Bus Stand in the Night of 08-03-2009. On the next day, the applicant and victim found together by the cousin of the victim who had informed that the complaint has been lodged by her father at the police station.

4. The medical case paper do not shows that there was any injury on the body of the victim. The tenor of the statement of the victim would indicate that she had accompanied the applicant and was in his company. On completing the investigation, charge sheet has been filed there are no criminal antecedent against the applicant. The applicant was aged about 20 years at the time of incident.

5. Learned APP submitted that the victim was minor at the time of the incident and the provisions of Sections 4 & 6 of Protection of Children from Sexual Offences Act (POCSO) are invoked in this case.

6. Considering the aforesaid circumstances, further detention of the applicant is not warranted and he can be granted bail on certain terms and conditions.

:: O R D E R ::

- (i) Bail Application No.2734 of 2019, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 99 of 2019, registered with Rural Police Station, Phaltan on furnishing P.R. Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;
- (iii) The applicant shall report the Rural Police Station, Phaltan, once in a month on first Saturday of the month between 10:00 a.m. to 2:00 p.m. till further order;
- (iv) Applicant shall not approach the victim or her relatives during the pendency of the Trial and shall not tamper with the evidence;
- (v) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)