

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2362 OF 2019

Sunil Rajesh Hegade

Applicant

versus

The State of Maharashtra

Respondent

Mr.Sachin H. Deokar for applicant.

Smt.A.A.Takalkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 5th November 2019

PC :

1. The applicant was arrested on 14th October 2018 in connection with CR No.442 of 2018 registered with Akkalkot North Police Station for offences under Sections 363, 366(A), 376(3) of IPC and under Sections 3,4,8 and 12 of Prevention of Children from Sexual Offences Act, 2012. The charge sheet is filed on completing investigation.

2. The case of the prosecution which can be seen from the statement of the victim is that on 13th October 2018 the victim and her friend left the house under pretext of going to school. She called the applicant at bus stand. The applicant and his friend Mahiboob Algi came to bus stand. Victim went to house of applicant. She stayed there till evening. At about 5.00 pm she accompanied the applicant on his motorcycle. They entered into agricultural field of applicant's friend. The applicant had sexual intercourse with victim. The applicant stated that he would marry her. They had physical

relationship twice. They stayed there whole night. Next day applicant dropped her to house. The statement of the friend of the victim corroborates the fact that the victim had accompanied the applicant. During the medical examination the history provided by victim was recorded in which she had stated that she had a love affair with the applicant since last six months and there was sexual intercourse between them.

3. The applicant had preferred an application before this Court earlier which was allowed to be withdrawn with liberty to prefer application for bail after framing of charge. The charge has been framed against applicant. Pursuant thereto the applicant had preferred application for bail before the Sessions Court which was rejected.

4. From the documents and statements referred above it appears that the victim and applicant were known to each other and there was an affair between them. Learned APP submitted that the victim was minor at the time of incident and consent, if any, is immaterial. The age of victim was 14 years. However, considering the factual matrix of the case and also considering the fact that the applicant is in custody from 14th October 2018, on certain conditions, bail can be granted to him.

5. Hence, I pass following order :

ORDER

(i) Criminal Bail Application No.2198 of 2019 is allowed and disposed off;

(ii) The applicant is directed to be released on bail in connection with CR No.442 of 2018 registered with Akkalkot North Police Station, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall not approach and contact the complainant and other witnesses;

(iv) The applicant shall attend Akkalkot North Police station once in a month on every first Saturday between 10 am and 12 noon till further orders.

(PRAKASH D. NAIK, J.)

MST