

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2412 OF 2019

Santosh Popat Jadhav	]	... Applicant
Versus		
1. The State of Maharashtra	]	
2. Sunil Kisan Khomane	]	
3. Sonali Sunil Khomane	]	... Respondent

Mr. Sujay H. Gangal, Advocate for the Applicant.

Ms. S.S. Kaushik, APP for the State/Respondent No.1.

Mr. Suryajeet P.Chavan i/b Mr. Ravi Girish Shinde, Advocate for Respondent Nos.2 and 3.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 13th SEPTEMBER, 2019.

P. C. :-

1. The applicant is seeking his release on bail in connection with C.R.No.261/2019 registered with Hadapsar Police Station, Pune City on 19/03/2019 u/sec.376 (2) (f), 376 (3) of I.P.C. and u/sec. 4, 5 and 6 of The Protection of Children from Sexual Offences Act, 2012 (POCSO).

2. The applicant is arrested on 19/03/2019 and since then he is in custody. The investigation is over and the charge-sheet is filed.

3. The FIR is lodged by the prosecutrix herself. She was 14 years

of age at the relevant time. She has stated in her FIR that, in November 2018 the applicant approached her and expressed his love for her. The applicant was a distant relative of the prosecutrix. She has further stated in the FIR that, in December 2018, the applicant had visited her house and has stayed for a few days. In one night, he established physical relations with her. This continued for 4 to 5 nights. In January 2019, the prosecutrix came to know that, she was pregnant. The doctor advised her to get admitted in Sassoon Hospital. She got admitted in Sassoon Hospital on 17/03/2019 and thereafter this FIR is lodged.

4. The charge-sheet contains statements of the doctor who conducted sonography, her mother, sister etc. The charge-sheet also contains statement of the prosecutrix recorded u/sec. 164 of Cr. P.C. In this statement she was more forthcoming. She has stated that, in November 2018 when the applicant expressed his love for her, she accepted his proposal. She has clearly stated that, they were getting along very well. She has even admitted that, she was in love with the applicant and that they had their sexual intercourse on 4 to 5 occasions. She has further stated that, after she was admitted to

Sassoon Hospital at the instance of the Medical Officer this FIR was lodged. She has further categorically stated that, she had no complaint against the applicant and in fact she was residing in the applicant's house.

5. Heard Mr. Sujay H. Gangal, Ld. Counsel for the Applicant, Ms.S.S.Kaushik, Ld. APP for the State/Respondent No.1 and Mr.Suryajeet P. Chavan, Ld. Counsel for Respondent Nos.2 and 3.

6. Ld. Counsel for the applicant relied on the statement of prosecutrix recorded u/sec. 164 of Cr. P.C. and emphasized the fact that, even today the prosecutrix is residing with applicant's parents.

7. The prosecutrix's parents are made parties to this application. The prosecutrix is still a minor.

8. I have heard Ld. Counsel appearing for parents of the prosecutrix. He has tendered affidavits of these respondents i.e. parents of the prosecutrix. These affidavits are taken on record. Respondent Nos.2 and 3 are present in the court and are identified by Ld. Counsel appearing for them. In this affidavits it is mentioned that, even they have no objection for grant of bail to the applicant. The

affidavits further mention that, they have consented for the marriage between the applicant and the prosecutrix. They are waiting till she attained majority.

9. Ld. APP also has no objection if the applicant is released on bail.

10. The applicant and the prosecutrix's daughter is with the prosecutrix and both of them are staying with the applicant's parents. Hence, taking over all view of the matter, further custody of the applicant during the entire course of trial is not necessary. Therefore, I am inclined to grant bail to the applicant. Hence, the following order.

ORDER

1. The Applicant is directed to be released on bail in connection with C.R.No.261/2019 registered with Hadapsar Police Station, Pune City, on his furnishing P.R.Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)