

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.2918 OF 2019

Kedar Prashant Ugale

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Vikas B. Shivarkar, for the applicant.

Mr. H. J. Dedhia, APP for the Respondent- State.

CORAM : PRAKASH D. NAIK, J.

DATE : 12th December, 2019

P.C.:

1.1. The applicant is seeking bail in connection with C.R No.143 of 2019 registered with Junnar Police Station, Pune, for the offences punishable under Sections 363, 376, 323, 506 of the Indian Penal Code ('IPC' for short) and sections 4, 8, and 12 of the Protection of Children from Sexual Offence ('POCSO' for short) Act of 2012. The First Information Report (FIR) was lodged on 26th May 2019.

2. The prosecution case is that the victim aged about 17 year 10 months was acquainted with the applicant. Victim had gone to purchase clothes. At that time applicant met her. The applicant took her to lodge and there was sexual intercourse between them. The

victim was noticed by her relatives and they questioned her. Thereafter, the First Information Report was lodged.

3. The learned counsel for the applicant submits that perusal of the material on record indicates that the relationship was consensual. He pointed out statement of the staff member of the lodge. He stated that, applicant and the victim visited the lodge at around 10:25 p.m, and they left the lodge at around 11:30 p.m.

4. Learned APP submitted that, the victim was minor at the time of incident. The accused had induced her to accompany him and sexually assaulted her.

5. On perusal of the First Information Report it is apparent that, in the night of 25th May 2019, the victim and the applicant had visited lodge and they checked in room No.104. The statements of the staff of the lodge was recorded on 14th June 2019. He states that the identity proof was shown by the applicant and they went to the room at around 10:30 p.m, and after some time they left the lodge. It appears that, relatives of the victim saw the victim near the lodge on the date of incident and questioned her. Thereafter, FIR was lodged. The charge sheet is filed. The applicant was arrested on 26th May 2019. The victim was age of understanding. The relationship is apparently consensual.

6. Considering the aforesaid circumstances bail can be granted to the applicant.

ORDER

- (i) Bail Application No.2918 of 2019 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R No.143 of 2019, registered with Junnar Police Station, Pune, on furnishing P.R bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report concerned police station once in a month on every first Saturday between 10:00 a.m. to 12:00 p.m. till further order.
- (iv) Applicant shall not approach the victim or her relatives during the pendency of the Trail and shall not tamper with the evidence;
- (v) The applicant shall stay out of the jurisdiction of Junnar Police Station, Pune and shall furnish the details of his residence after he is released on bail to the investigating officer.
- vi) The applicant shall attend the trial Court regularly, unless exempted by trial Court for some reason.

(PRAKASH D. NAIK, J.)