

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NI.3218 OF 2019

Abhishek Pandharinath Jare	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Priyal G. Sarda for applicant.
Mr.Prashant Jadhav, APP, for State.
Mr.N.P.Bankar, PHC, Alandi Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 5th December 2019

PC :

1. The applicant is arrested in connection with CR No.205 of 2019 registered with Alandi Police Station, District Pune for offences under Sections 376, 354-A, 506 r/w Section 34 of Indian Penal Code, and under Sections 4, 8 and 12 of Protection of Children from Sexual Offenses Act, 2012, as well as under Sections 66C, 66D of Information and Technology Act. The applicant was arrested on 30th June 2019. The investigation is completed and charge sheet is filed.

2. The case of prosecution is that the victim and her sister had visited Alandi. The applicant who was acquainted with the victim approached her. Both of them went to a lodge. There was sexual relationship between them on 9th June 2019. The complaint was lodged on 30th June 2019. The victim was medically examined.

3. Learned advocate for applicant submitted that the applicant is 19 year old boy. The victim was aged about 16 years at the time of

incident. The investigation is completed and charge sheet is filed. The victim was of the age of understanding. The relationship was consensual.

4. Learned APP submitted that the victim is minor. The accused had induced her to accompany him to the lodge and had forceful sexual intercourse with him. Learned APP pointed out the statements of witnesses indicating that the victim had also received text messages from other persons. It is also alleged that other persons had also demanded sexual favour from the victim under coercion that her relationship with the applicant would be disclosed. The statement of the lodge manager was recorded which supports the prosecution case that the victim and applicant had visited the said lodge.

5. I have perused the statement of witness and other material on record. The FIR was lodged after a period of about 21 days from the date of incident. The history given by the victim while medical examinations mentions that she was acquainted with the applicant since last four to five months and they became friends through common friends. The accused had proposed her. However, she had declined to accept the proposal. On 8th June 2019 the accused told her to meet her. He also represented that this will be a last meeting and thereafter he would not trouble her. He took her to lodge and there was sexual relationship. The victim had also stated that the accused had used contraceptive while indulging in sexual intercourse. It is also apparent that after the incident the victim had accompanied the applicant on his motorcycle and she was again taken back where her sister was waiting for her. The statement of

lodge manager indicate that the applicant had shown his Aadhar Card. The entry in the register was made in the name of applicant and the victim girl as his wife. There are no antecedents against the applicant. He is in custody from the date of arrest. Further detention of applicant is not necessary. Hence, case for grant of bail is made out.

6. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.3218 of 2019 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.205 of 2019 registered with Alandi Police Station, District Pune, 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 meet the victim girl and her family members and shall not enter into the premises where the victim is residing;
- (iv) The applicant shall report Alandi Police Station once in a month on every first Saturday between 10 am and 12 noon till further orders;
- (v) The applicant shall not tamper with evidence and shall attend Trial Court proceedings regularly, unless exempted for some reason by the Trial Court.

(PRAKASH D. NAIK, J.)