

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3463 OF 2019

Santosh Govind Jadhav

Applicant

versus

The State of Maharashtra

Respondent

Adv.Neville D. Deboo i/by Mr.Abhay B. Bhoir, Advocate for applicant.

Mr.Sagar Bhandare, Advocate for respondent no.2.

PSI Vijay Kadam, Kurar Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 26th August 2021

PC :

1. The applicant is seeking bail in CR No.434 of 2017 registered with Kurar Police Station, Mumbai dated 28th October 2017 for offences under Sections 376(2)(n), 324, 504, 506 of Indian Penal Code and under Section 6 of Protection of Children from Sexual Offences Act, 2012.

2. The FIR was lodged by the victim herself. It is alleged that the victim is aged around 17 years. About two years ago the victim got acquainted with the applicant. They developed friendship and thereafter fell in love. The applicant had proposed her and both of them used to contact each other regularly. In 2015 the applicant called the victim at his residence. He had forceful sexual intercourse with her. She was assaulted. Thereafter she was forcefully taken to forest area and there was physical relationship between them. In October-2017 on four to five occasions, the accused had sexual

relationship with her. She was assaulted and threatened. The FIR was lodged on 28th October 2017.

3. Learned counsel for applicant submitted that from the tenor of the FIR it is apparent that the victim and the applicant were in love. There was friendship. The relationship was consensual. The applicant is in custody for a period of about three years ten months. There are no criminal antecedents against applicant.

4. Learned APP submitted that the first incident which relates to the physical relationship between the applicant and accused was committed in 2015 when the victim was minor. At the time when the FIR was lodged the victim was minor. There is every likelihood that the applicant would threaten the victim or mother of the victim.

5. Learned counsel for intervenor reiterated the submissions of learned APP. He submitted that the victim has narrated the incidents of assault and forceful physical relationship. She was minor.

6. On perusal of the FIR and other documents it appears that the victim and the applicant were acquainted with each other since 2015. There are incidents of physical relationship between them. The victim had visited the house of applicant. There was sexual relationship. In October-2017 on four to five occasions, the victim was taken to forest area and there was physical relationship between them. The applicant is in custody for substantial period of time. Considering the factual aspects, further detention is not warranted. On certain conditions bail can be granted. Hence, I pass following order :

ORDER

- (i) Bail Application No.3463 of 2019 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No. 434 of 2017 registered with Kurar Police Station, Mumbai, the applicant be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall not tamper with evidence;
- (iv) The applicant shall not visit the jurisdiction of Virar which is the place where victim resides and shall not approach the complainant/victim;
- (v) The applicant shall attend Kurar Police Station once in three months on every first Saturday of the month between 11 am and 1 pm till conclusion of trial;
- (vi) The applicant shall attend Trial Court proceedings regularly on the dates of hearing, unless exempted by Trial Court for some reason;
- (vii) The applicant is permitted to furnish provisional cash bail in the sum of Rs.25,000/- for eight weeks in lieu of sureties.

(PRAKASH D. NAIK, J.)

MST