

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.435 OF 2022

Sachin Piraji Jagtap

... APPLICANT

VERSUS

The State of Maharashtra & anr.

... RESPONDENTS

.....

Mr. Vrushabh Savla, Advocate for applicant

Mr. V.S. Badakh, A.P.P. for respondent No.1 – State

Mr. S.R. Andhale, Advocate for respondent No.2.

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CORAM : R. G. AVACHAT, J.

DATE : 29th AUGUST, 2022.

ORDER :

Heard. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.409/2021, registered at Sonai Police Station, District Ahmednagar for the offences punishable under Sections 376(2)(n), 354-C, 366, 323, 504, 506 of the Indian Penal Code, Sections 4, 6 and 12 of the Protection of Children from Sexual Offences Act and Section 66-E of the Information Technology Act.

2. The First Information Report (F.I.R.) has been lodged by the victim herself on 30/12/2021. It is her case

that, she was 17 years of age at the relevant time. Her mother accompanied her to the police station. The applicant has his own house at Sonai. The father of the informant had taken the premises of the applicant on rent about two years before. The informant called the applicant as "Mama". While the informant was taking bath in a bathroom of her house, the applicant allegedly snapped a video thereof. He then approached the informant and threatened of making the video viral. He insisted the informant to keep physical relationship with him. This thing happened in October 2019. The applicant took the informant to a lodge at Deolali Road. He had sexual intercourse with her many a time.

3. It is further case of the informant that, in October 2021, she had secured admission for Police Recruitment Training at Ahmednagar. The applicant came there. He again took her to a nearby lodge and did the same thing as was done before. It is further her case that, on 29/10/2021, the applicant took her to house of his brother-in-law. They stayed there overnight. He had sexual intercourse with her 2 – 3 times during the night. The informant, therefore, lodged the F.I.R.

4. Heard. Learned counsel for the applicant would

submit that, it was a case of emotional involvement. A false report has been lodged at the behest of mother of the informant. According to him, on investigation, the charge sheet has been filed. The applicant is in jail for over 8 months. It will take time for commencement and conclusion of the trial. He, therefore, urged for grant of the application.

5. The learned A.P.P. and learned counsel representing the victim would, on the other hand, submit that, the victim at the relevant time was below 18 years of age. Her consent, if any, was therefore immaterial. It is a serious offence. Both of them, therefore, urged for rejection of the application.

6. Considered the submissions advanced. Perused the F.I.R. and the related papers. It appears to be a case of emotional involvement for little over three years. On investigation, the charge sheet has been filed. It will take time for commencement and conclusion of the trial. The victim met this Court in the Chamber. Her Advocate had accompanied her.

7. Considering the fact that the charge sheet has been filed and it will necessarily take time for commencement and conclusion of the trial, this Court is inclined to grant the

application. Hence the order :

ORDER

(i) The Bail Application is allowed.

(ii) The applicant be released on bail in connection with Crime No.409/2021, registered at Sonai Police Station, District Ahmednagar for the offences punishable under Sections 376(2)(n), 354-C, 366, 323, 504, 506 of the Indian Penal Code, Sections 4, 6 and 12 of the Protection of Children from Sexual Offences Act and Section 66-E of the Information Technology Act on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

(iii) The applicant shall not tamper the prosecution evidence in any manner.

(R. G. AVACHAT, J.)

fmp/-