

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

BAIL APPLICATION NO. 841 OF 2022

Akash Pratapsing Sattawan

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

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Mr. A.K. Bhosle, Advocate a/w Mr. Anandsingh Bayas and Mr. S.R. Awad,
Advocates h/f Mr. R.H. Wagh, Advocate for applicant
Mr. A.V. Deshmukh, A.P.P. for respondent no.1 – State
Mr. R.R. Imale, Advocate for respondent no.2

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CORAM : R.G. AVACHAT, J.
DATE : 19th SEPTEMBER, 2022

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 1208 of 2021 registered with M.I.D.C. Waluj Police Station, Dist. Aurangabad for the offences punishable under Sections 376(2)(i), 452 and 506 of the Indian Penal Code and under Section 4 of the Protection Children from Sexual Offences Act, 2012.

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. The F.I.R. has been lodged by the victim herself on 20th December, 2021. It is her case that she was a 10th standard student. During lock-down, there were number of phone calls on her cell phone. Those calls were made by unknown person. The caller was later on identified as the present applicant. The informant's father had reasoned with him and asked not to make calls any longer. It is further her case that on 19th December, 2021 by 02.00 p.m., she was present home alongwith her elder sister. The elder sister went upstairs for a while. The applicant suddenly came home. He forcibly took the informant to the ground floor portion, wherein some construction activity was in progress. The applicant had sexual intercourse with the informant there.

4. Learned A.P.P. and learned counsel for the informant would submit that the applicant is married one. If he is granted bail, he would trouble the informant. Medical examination report of the victim was also brought to the notice of this Court to submit that CA report is still awaited. Rejection of the application was, therefore, urged for.

5. Considered the submissions advanced. The alleged incident took place at 02:30 p.m. on 19th December, 2021. The F.I.R. was lodged twenty-four hours thereafter. The medical examination report of the prosecutrix/victim indicates that there were no signs suggestive of forceful penetrative sexual intercourse. The medical officer has reserved the opinion

pending forensic science laboratory report. The C.A. report has not so far been received.

6. Learned counsel for the applicant would submit that it was a case of consensual relationship. Just to keep the applicant away from victim, his father got the applicant married at the age of twenty-one years.

7. This Court has reason to believe the same. In the factual backdrop, the Court is inclined to grant the applicant bail. In view of the same, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released on bail, in connection with Crime No. 1208 of 2021 registered with M.I.D.C. Waluj Police Station, Dist. Aurangabad for the offences punishable under Sections 376(2)(i), 452 and 506 of the Indian Penal Code and under Section 4 of the Protection Children from Sexual Offences Act, 2012, on 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 enter Ranjangaon M.I.D.C., Aurangabad until conclusion of trial.

(IV) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD