

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

BAIL APPLICATION NO.1415 OF 2022

Sonu @ Sonaji @ Sominath s/o. Santosh Jarare ..Applicant

Vs.

The State of Maharashtra and anr. ..Respondents

Mr.J.V.Deshpande, Advocate h/f. Mr.S.N.Dudhate, Advocate for
applicant

Mr.S.P.Sonpavale, APP for respondent no.1

Ms.Harsha Lomate, Advocate for respondent no.2

**CORAM : R.G. AVACHAT, J.
DATE : SEPTEMBER 28, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.243 of 2022 registered with Bhokardan Police Station, Dist.Jalna, for the offences punishable under Sections 376, 363, 366-A of Indian Penal Code; Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act; and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Heard learned counsel appearing for the parties.

3. The First Information Report (FIR) has been lodged by the mother of the victim on 08.05.2022. The victim is 16 years and 5

months old. The applicant would ply tractor for transporting sugarcane. There was acquaintance between the applicant and the victim. The statement of the victim indicates that she herself had made call to the applicant and joined him. Both of them together went away and remained together for a day. The applicant had sexual intercourse with her during their togetherness. In the statement under Section 164 of the Code of Criminal Procedure, the victim averred that the applicant gave her threats of committing suicide, if she did not join with him. There is variance in the statements of the victim recorded under Section 161 of Cr.P.C. and Section 164 of Cr.P.C. The medical examination report indicates no use of force. The C.A. report is awaited.

4. Since it was a consensual relationship, the victim being over 16 years of age and that on investigation, charge sheet has been filed, the Court is inclined to grant the applicant bail.

5. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.243 of 2022 registered with Bhokardan Police Station, Dist.Jalna,

for the offences punishable under Sections 376, 363, 366-A of Indian Penal Code; Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act; and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on executing P.R. Bond in the sum of Rs.1,00,000/- (Rupees One Lakh) with one surety in the like amount.

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

(iv) Until conclusion of the trial, the applicant shall not enter District Jalna.

(v) Fee of learned counsel appointed to represent respondent no.2 is quantified at Rs.6,000/- (Rupees Six Thousand).

[R.G. AVACHAT, J.]

KBP