

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

BAIL APPLICATION NO.1586 OF 2022

Chandrakant @ Bhushan Atmaram Koli
@ Sonawane

..Applicant

Vs.

The State of Maharashtra and anr.

..Respondents

Mr.S.S.Jadhav, Advocate for applicant
Mr.N.T.Bhagat, APP for respondent no.1
Ms.Sayali S. Kullarni, Advocate (appointed) for respondent no.2

**CORAM : R.G. AVACHAT, J.
DATE : OCTOBER 07, 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.0201 of 2022 registered at Yawal Police Station, Dist. Jalgaon, for the offences punishable under Sections 363, 376(2)(n), 376(3), 354(A)(i), 354(D), 366(A), 506 and 212 of Indian Penal Code and Sections 3/4, 5(I)/6, 11/12, 16/17 of the Protection of Children from Sexual Offences Act.

2. Heard learned counsel appearing for the parties.

3. The First Information Report (FIR) has been lodged by the mother of the victim. After having gone through the police papers, it is evident that the victim was little over 16 years of age at the given time. The applicant was 22 years of age. They were emotionally involved. Both of them eloped and stayed together for 4-5 days at the residence of the applicant's sister. Even, there was exchange of garlands. The victim was adorn with *Mangalsutra*. However, both of them came back. The reason is not known. The victim, in her statement, states to have been sexually assaulted by the applicant during their togetherness. Her medical examination report, however, does not support her claim nor rules it out.

4. Learned counsel appointed to represent the victim points out that the Medical Officer found the victim's hymen ruptured.

It has very many reasons.

5. It is a case of emotional involvement. The applicant is 22 years of age and the victim was little over 16 years of age at the relevant time. On investigation, charge sheet has been filed. It will take time for commencement and conclusion of the trial. In view thereof, the Court is inclined to grant the applicant bail.

6. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0201 of 2022 registered at Yawal Police Station, Dist. Jalgaon, for the offences punishable under Sections 363, 376(2)(n), 376(3), 354(A)(i), 354(D), 366(A), 506 and 212 of Indian Penal Code and Sections 3/4, 5(I)/6, 11/12, 16/17 of the Protection of Children from Sexual Offences Act, 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 tamper with the prosecution evidence.

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

[R.G. AVACHAT, J.]

KBP