

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1556 OF 2021

Sudhir Rajendra Kokare

..Applicant

V/s.

The State of Maharashtra and Anr.

..Respondents

Mr. Ritesh Thobde a/w Sagar Tambe for the Applicant.

Mrs. J.S. Lohokare, APP for the Respondent/State.

Ms. Ameeta Kuttikrishnan for the Respondent No.2.

CORAM : C.V. BHADANG, J.

DATE : 23 MARCH 2022

P.C.

1. By this application, the Applicant (accused) is seeking release on bail in Crime No. 211 of 2020 registered with Sangola Police Station, District Solapur for the offence punishable under Section 376(2)(i) of IPC and Section 4, 8, 12 and 42 of the Protection of Children from Sexual Offences Act, 2012 and under Section 67-B of the Information Technology Act, 2000.

2. The aforesaid Crime is registered on the basis of the complaint dated 13.02.2020 lodged by the mother of the victim girl. The parents of the victim girl had noticed that the victim girl was in contact with a boy on social media and upon inquiry, it

was revealed that she was in contact with the present Applicant. On further inquiry with the victim it was revealed that she was subjected to sexual abuse by the Applicant. On the basis of the such complaint, the offence came to be registered in which after investigation a chargesheet is filed.

3. I have heard learned counsel for the parties. Perused record.

4. The date of birth of the victim is shown to be 06.06.2005. A perusal of the statement of the victim shows that the Applicant had clicked certain nude/partially nude photographs of the informant and was blackmailing her on the basis of the same. The victim claims that the Applicant had visited her house when she was alone on 23.01.2020 and had forcible sexual intercourse with her.

5. The learned counsel for the Applicant pointed out the medical report which unfortunately did not give any positive opinion about the victim being subjected to sexual intercourse. Prima facie at this stage, there is no positive opinion, which is on record.

6. The learned APP pointed out that mobile handset of the Applicant has been seized and the photographs/videos have been recovered and sent for forensic examination and the report is

awaited. The investigation is complete and the chargesheet is filed.

7. The learned counsel for the Applicant submitted that the Applicant is a young boy studying in 12 standard.

8. Considering the over all circumstances, the following order is passed:

ORDER

i) The Applicant **Sudhir Rajendra Kokare** be released on bail in Crime No. 211 of 2020 registered with Sangola Police Station, District Solapur, on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

ii) The Applicant shall undertake to remain present before the learned Special Court, during the course of trial, unless exempted.

iii) The Applicant shall not directly or indirectly contact the victim or any other prosecution witnesses and shall not otherwise tamper with the prosecution evidence/witnesses.

iv) In the event of breach of any of the conditions, the bail is liable to be cancelled.

v) Bail bonds to be furnished before the learned Special Court.

vi) It is made clear that the observations herein are essentially of a prima facie nature and the learned Special Court shall not be influenced by the same at the trial.

vii) Criminal bail application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)