

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

CRIMINAL BAIL APPLICATION NO. 218 OF 2021

**SNEHA
NITIN
CHAVAN**

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Date: 2022.03.19
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Sanjay Popat Sonawane

..Applicant

Vs.

The State of Maharashtra & Anr.

..Respondents

Mr. Shrirang Katneshwarkar i/b Anuj Falfagar, for the Applicant.

Mr.N.B. Patil, APP for the Respondent / State.

Ms. Swatantri Waghmare for Respondent No.2.

CORAM : C.V. BHADANG, J.

DATE : 14 MARCH 2022

P.C.

. The Applicant along with co-accused has been chargesheeted for the offence punishable under Section 376(3) of IPC and Section 4, 6 and 8 of the Protection of Children from Sexual Offences Act, arising out of Crime No. 55 of 2020 of Police Station Kalwan District Nashik.

2. The aforesaid crime is registered on the basis of the complaint dated 23.07.2020 lodged by the mother of the victim girl. During the course of the investigation, the statement of the victim was recorded before the learned Magistrate on 30.07.2020. The victim was 14 years and 6 months of age on the date on which her statement was recorded and was taking education in 8th standard.

She states that there was a love affair between herself and Applicant since about a year and the Applicant had sexual intercourse with her a year before the recording of her statement. It appears that a further statement of the victim was recorded on 01.08.2020, in which she states that the Applicant had sexual intercourse with her for the first time in April 2019. Thereafter, about 3 months prior to the recording of the statement, her paternal uncle (who is the co-accused) had sexual intercourse with her, when her parents were out and she was alone in the house. The record discloses that after the victim was found carrying a pregnancy, the matter surfaced.

3. During the course of investigation, a DNA test was conducted and the paternal uncle of the Applicant, who is the co-accused has been found to be the biological father of the child.

4. The investigation in this case is complete and the chargesheet is filed. The Applicant was arrested on 24.07.2020 and is in custody since then.

5. The learned counsel for the Applicant submits that the Applicant was also a juvenile at the time when the incident is alleged to have happened. However, I find that it is not necessary to go into this aspect as the competent Court can look into this on its own merits.

6. Considering the over all circumstances and prima facie having regard to the delay in filing the FIR and also having regard to the fact that it is the paternal uncle of the child, who has been found to be biological father of the child, the following order is passed:

ORDER

i) The Applicant **Sanjay Popat Sonawane** be released on bail in Crime No.55 of 2020 registered with Kalwan Police Station, District Nashik, 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 tamper with the prosecution evidence/witnesses.

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

v) 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.

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

(C.V. BHADANG, J.)