

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

CRIMINAL BAIL APPLICATION NO.667 OF 2021

Lahu Baban Kale

..Applicant

Versus

State of Maharashtra & Anr.

..Respondents

Mr. Nitin P. Deshpande, for the Applicant.

Mr. A. A. Palkar, APP for the Respondent No.1/State.

Mr. Nikhil Patil, for the Respondent No.2.

CORAM : NITIN W. SAMBRE, J.

DATE : 23rd SEPTEMBER, 2022

PC.

1. The applicant was apprehended on 13th June, 2020 in Crime No.695 of 2020 registered with Bharti Vidyapeeth Police Station for the offence punishable under Sections 363 and 376 of IPC and Sections 4 and 12 of POCSO Act.

2. The submissions of Mr. Nitin Deshpande, counsel appearing for the applicant are, the relationship was consensual. He would urge that the victim girl voluntarily accompanied the accused, stayed with him for fifteen days. He would further urge that since there is consent, applicant deserves to be released.

3. Even if the applicant is charge-sheeted, what can be noticed is, on the date of the incident, victim was 13 years of age, as

such, her consent was inconsequential. The medical certification would support the case of the prosecution of commission of offence under Section 4 and 12 of the POCSO Act. As such, there is enough material on record to infer involvement of the applicant in serious offence. That being so, no case for bail is made out.

4. The application as such stands rejected.

[NITIN W. SAMBRE, J.]