

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2447 OF 2021

Sainath Suresh Sonawane ... Applicant
Vs.
The State of Maharashtra ... Respondent

Ms.Shubhangi Parulekar for the Applicant.
Ms.M.R. Tidke, APP for the Respondent –State.
Ms.Janhavi Karnik for Respondent No.2.
Mr.Mahadev B. Yalmar, PSI, Hinjawadi Police Station,
Chinchwad, Pune.

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CORAM : C.V. BHADANG, J.

DATE : 20 JANUARY 2022
(Through Video Conferencing)

P.C.

. By this application, the Applicant is seeking bail in Special POCSO Case No.321 of 2020 before the learned Special Judge at Pune, arising out of Crime No.892 of 2018 registered with Hinjawadi Police Station, under Section 363, 376 of Indian Penal Code and Section 3(a), 4, 5(l) and 6 of the Protection of Children From Sexual Offences Act. 2012.

2. I have heard the learned counsel for the Applicant and the learned Additional Public Prosecutor and the learned counsel appearing for the Respondent-Complainant.

3. The offence came to be initially registered under Section 363 of IPC against unidentified persons on the basis of the complaint dated 29 December 2018 lodged by the mother of the victim-girl as victim who was aged about 17 years had gone missing. That complaint does not name the present Applicant. After two years the victim was traced and her statement was recorded by the Police on 5 April 2020 in which the victim stated that she had a quarrel with her mother and as she was knowing the Applicant she accompanied him in a Innova Car to Talegaon, Dabhade, Taluka Mawal, District-Pune. The victim claimed that for about 2 years she was staying with the Applicant during which she was subjected to forcible sexual intercourse by the Applicant. She also claimed that she was forcibly administered contraceptive pills by the Applicant. On 4 April 2020, the police were able to traced the victim after which the victim has returned to her parents.

4. It appears that during the course of the investigation statement of the victim was recorded before the Magistrate under Section 164 of Cr.P.C., in which the victim stated that the Applicant had only helped her and did not make any allegations of sexual abuse against the Applicant. It is not necessary to go into the appreciation of these two statements which are apparently contradictory as the same can be done at the trial.

However, the statement of the victim on oath before the Magistrate, does not implicate the Applicant.

5. The record discloses that the victim had refused to undergo medical examination. The Applicant is arrested on 5 April 2020 and is in custody for close to two years now. The investigation is complete and charge-sheet is filed. The Applicant and the victim are not residing in the same village.

6. In such circumstances, I find that the Applicant can be released on bail by imposing conditions. Hence following order.

ORDER

(i) The Applicant be released on bail in Crime No.892 of 2018 registered with Hinjawadi Police Station, on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties in the like amount.

(ii) The applicant shall not make any attempt to contact/influence or threaten or pressurize the complainant or otherwise tamper with the prosecution evidence/witnesses.

(iii) In the event of breach of any of the conditions the bail is liable to be cancelled.

(iv) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.