

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

BAIL APPLICATION NO. 2215 OF 2022

Akshay Sugraiv Mane

...Applicant

VS.

The State of Maharashtra and anr.

...Respondents

Mr. Abhay A. Jadhavar for the Applicant.

Ms. Swatanti Waghmare for respondent No.2.

Ms. P. N. Dabholkar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 23, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail by the applicant-Akshay Sugraiv Mane in connection with C.R. No.281 of 2022 dated 11/05/2022 registered with Foujdari Chawadi Police Station, Solapur for the offence punishable under Sections 363, 376(3) of the Indian Penal Code, 1860 and under Sections 4, 8 and 12 of Protection of Children from Sexual Offences Act, 2012 (hereafter "POCSO Act", for short).

3. The date of the incident is 10/05/2022. At the relevant time the applicant was 24 years of age. The victim was 16½

years of age. I have gone through the statement of the victim recorded under Section 161 of the Code of Criminal Procedure (hereafter 'the Cr.P.C.' for short) dated 14/05/2022 which is at page 59 of the paper book and Section 164 of Cr.P.C. statement dated 19/05/2022 which is at page 91 of the paper book. The statement of the victim reveals that the applicant and the victim were in love relationship. The physical relations are an outcome of such a relationship. The victim being a minor, no doubt her consent is not material. In the present case, the charge-sheet has been filed and the investigation is complete. The applicant is unmarried and a young boy of 24 years of age. The applicant is in custody since 14/05/2022. There are no criminal antecedents reported against the applicant. The trial is likely to take a long time to conclude.

4. Considering the facts and circumstances of the present case, the applicant can be enlarged on bail.

5. Hence, the following order :-

ORDER

(a) Application is allowed.

(b) Applicant-Akshay Sugraiv Mane shall be released on bail in connection with C.R. No.281 of 2022 registered with Foujdari Chawadi Police Station, Solapur on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(d) The applicant shall report to the Investigating Officer as and when called.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

6. The Bail Application is disposed of.

7. I appreciate the able assistance rendered by Ms. Swatanti Waghmare, learned counsel appearing on behalf of the respondent No.2.

(M. S. KARNIK, J.)