



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

BAIL APPLICATION NO. 3108 OF 2023

ONKAR BHAUSAHEB KOPARDEKAR ..APPLICANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. Ahilya Nalwade a/w Adv. Amit Jadhav for the Applicant
(through V.C.).

Ms. Veera Shinde, APP for the State.

Adv. Shamal Gaonkar for Respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 09, 2023

P.C. :

1. Heard learned counsel for the applicant, learned counsel for respondent No.2 and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under Sections 376, 376(2)(I), 376(2)(J), 366, 366A of the Indian Penal Code and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, registered vide C.R. No.17 of 2023 with Vadgoan Police Station.
3. Learned APP and learned counsel for respondent No.2

opposed the application contending that the offence is serious in nature and the applicant was responsible for taking the minor from the custody of her mother when she had gone for work.

4. The applicant at the relevant time was 22 years of age and the victim as per the statement was 15 years and 6 months. At page No. 66 of the paperbook, as per the radiologist, the age is indicated to be 17-18 years. From the reading of the statement under Section 164 of the Cr.P.C., *prima facie*, it appears that the victim on her own went along with the present applicant. The victim in her statement recorded under Section 164 of the Cr.P.C. stated that during this period the applicant did not commit sexual intercourse with the victim. Considering that the victim is a minor, the consent of the victim is immaterial.

5. The applicant was arrested on 06/01/2023 and is now in custody for a period of 10 months. The investigation is complete and the charge-sheet has been filed. Looking at the age of the applicant and in the facts and circumstances of the present case, further custody of the applicant will

only be by way of a pre-trial custody. The applicant does not appear to be a flight risk and will stand trial. In such circumstances, I am inclined to enlarge the applicant on bail, by imposing certain conditions. The applicant will face the consequences post-trial if found guilty. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Onkar Bhausahab Kopardekar in connection with C.R. No.17 of 2023 registered with Vadgaon Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) 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.
- (e) The applicant shall not contact, threaten and intimidate the victim.

(f) 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.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall not enter the area where the victim is residing, till the trial concludes.

6. The application is disposed of.

(M. S. KARNIK, J.)