



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

BAIL APPLICATION NO.120 OF 2023

RAJATKUMAR BUDHIRAM GUPTA ..APPLICANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. Saurabh S. More for the Applicant.
Ms. Meghna Gowalani for Respondent No.2.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 24, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant, learned counsel for respondent No.2 – Ms. Meghna Gowalani who is appointed by this Court and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 366 and 376(2) of the Indian Penal Code and Sections 3, 4, 7 and 8 of the Protection of Children from Sexual Offences Act, 2012, registered vide C.R. No.297 of 2022 with Chikhali Police Station.
- 3.** The First Information Report (FIR) is dated 14/06/2022. At the relevant time, the applicant and the

victim were 22 and 15 years of age respectively. As per the FIR, the applicant had physical relations with the victim between February 2022 and April 2022. The complainant/mother of the victim noticed something as a result of which she took the victim to a Doctor when it was revealed that she was pregnant. The victim then revealed that she and the applicant had physical relations.

4. From the victim's statement, it appears that the physical relations are consensual in nature. However, the victim being a minor at the relevant time, her consent is immaterial. The applicant was residing in the same vicinity where the victim resided.

5. Learned APP and learned counsel for respondent No.2 vehemently opposed the application contending that the victim being minor, the applicant indulged in a serious act and he should not be enlarged on bail.

6. There are no criminal antecedents reported against the applicant. The applicant has been in custody since 28/06/2022 almost for a period of 1 year and 2 months with no possibility of the trial progressing. The investigation

is complete and the charge sheet is filed. The applicant does not appear to be a flight risk. The applicant was 22 years of age at the time of the incident. In this view of the matter, the applicant can be enlarged on bail by imposing certain conditions. Hence, the following order :-

ORDER

- (a) The applicant- Rajatkumar Budhiram Gupta in connection with C.R. No.- 297 of 2022 registered with Chikhali Police Station shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (b) The applicant is permitted to furnish cash bail surety in the sum of Rs. 15,000/- for a period of 4 weeks in lieu of surety.
- (c) The applicant shall attend the Investigating Officer of the Chikhali police station once in two months every first Monday of the alternate month between 11.00 a.m. and 1.00 p.m. commencing from September 2023.
- (d) Except for the purpose of attending the Investigating Officer, the applicant shall not enter into the jurisdiction of Chikhli police station till the conclusion of the trial and shall not try to establish any contact with the victim.

(e) The applicant shall not leave the State of Maharashtra without leave of the trial Court.

(f) 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.

(g) 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.

7. I express my gratitude for the able assistance rendered by the advocate – Ms. Meghna Gowalani representing respondent No.2 in these proceedings.

8. The legal services authority may regularize the appointment of Ms. Meghna Gowalani.

(M. S. KARNIK, J.)