

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 583 OF 2022

Sahil M. Tapkir

...Applicant

V/s.

The State of Maharashtra and anr.

...Respondents.

Mr. Aniket Nikam a/w. Mr. Varad Ozarkar i/b Mr. V.N. Arote for the Applicant.

Mr. P.H. Gaikwad, APP for the Respondent/State.

Ms Shanice Mansukhani i/b Ms Anandini Fernandes for the Respondent No.2

CORAM : N.R. BORKAR, J.
DATE : 06.03.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.682 of 2020 registered at Deccan Police Station, Pune city for the offences punishable under Sections 363, 376 and 323 of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act.
3. I have heard the learned counsel for the applicant and the learned APP for the respondent – State and the learned counsel for respondent No.2.
4. According to the prosecution, on the date of incident, which took place on 14 February 2020, the applicant, who was residing in the neighbourhood of the victim, took her to Chaitanya Lodge

and committed forcible sexual intercourse with her.

5. I have perused the charge-sheet. It appears that there was a love affair between the victim and the present applicant. It appears that they used to meet frequently. *Prima facie*, the alleged act, appears to be consensual. The applicant is in jail for about 2 years. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] Application is allowed.

B] The applicant be released on bail in C.R. No. 682 of 2020 registered at Deccan Police Station, Pune city for the offences punishable under Sections 363, 376 and 323 of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall not enter into the limits of Dattawadi area, Pune till conclusion of trial.

[N.R.BORKAR, J.]