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

BAIL APPLICATION NO.720 OF 2023

Ajinkya Vikas Patil	... Applicant
V/s.	
The State of Maharashtra & Anr.	... Respondents

Mr. Amol B. Jagtap, for the Applicant.

Mr. Kartik Garg, for Respondent No.2.

Mr. Amit A. Palkar, APP for State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : JULY 21, 2023

P.C.:

1. Leave to amend to delete Exhibit-C (page Nos. 79 to 81).
2. Amendment to be carried out forthwith.
3. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973, (for short 'Cr.PC.') in connection with C.R. No.371 of 2022 registered with Chikhali police station for offences punishable under Sections 376, 506 of the Indian Penal Code (for short 'IPC') and under Sections 3, 4, 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act').
4. According to prosecution, the informant is residing along with her husband and daughter victim girl, aged about 16 years 7 months and son Ujwal 12 years old. They are doing labour work for their livelihood. On 17 July 2022, victim girl had no menstrual

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cycle since long, hence, she took victim girl in hospital for medical examination. It revealed that the victim girl was pregnant. Thereafter, she was taking the victim girl at Sasson Hospital, meanwhile she asked victim girl about the pregnancy. The applicant/accused resident of Kudalwadi, Chikhali, Pune by name Ajinkya used to come their house. On 2 September 2021, there was birthday of her son Ujwal, while the applicant/accused came at their house. He asked victim, does she like him, but the victim girl had denied it. Thereafter, in February 2022, in absence of family members of the victim girl, applicant/accused reached at her house, he entered in her house while victim girl was alone inside the house. The victim girl requested the applicant/accused go away from her house, but the applicant/accused forcibly locked the house inside and forcibly committed sexual intercourse with her without her consent and also threatened to kill her, if she disclosed such with her parents. Therefore, the mother of the victim lodged report against the applicant/accused.

5. The applicant was arrested on 17 July 2022. The investigating officer carried out investigation and after completion of investigation filed charge sheet against the applicant. The applicant filed application under Section 439 of Cr.P.C. seeking bail before learned Sessions Judge, which came to be rejected by order dated 16 January 2023. Aggrieved thereby, the applicant has filed the present application.

6. On perusal of the material on record including charge-sheet, it appears that the victim was 16 years, 2 months and 10 days on the day of incident. It appears that the report was lodged after she

became pregnant. The report is lodged by the mother of the victim. The report is *prima facie* lodged after five months of the incident. The victim is present in the Court and states that she intends to marry with the applicant.

7. Considering aforesaid circumstances, the applicant has made out a case for bail. Hence, following order is passed:

- a) The application is allowed.
- b) The applicant Ajinkya Vikas Patil be released on bail in connection with C.R.No.371 of 2022 registered with Chikhali police station for offences punishable under Sections 376, 506 of IPC and under Sections 3, 4, 7 and 8 of POCSO Act, on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.
- c) The applicant shall mark his attendance with the concern police station once in six months between 11:00 am to 2:00 pm till conclusion of trial.

8. The bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)