



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

BAIL APPLICATION NO.962 OF 2023

POONARAM JETAJI CHOUDHARI ..APPLICANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Mr. Pandit Kasar for the Applicant.
Adv. Yuvraj Dhole for the First Informant/Complainant.
Ms. Pratibha Shelake for Respondent No.2/Victim.
Mr. P.H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 21, 2023.

P.C. :

1. Heard learned counsel for the applicant, learned counsel for the victim, learned counsel for the complainant and learned APP for the State.
2. This is an application for bail for the offences punishable under Sections 376(2)(f) and 376(2)(n) of the Indian Penal Code, 1860 (IPC) and Sections 3, 4, 5 and 6 of the Protection of Children from Sexual Offences Act, 2012 in connection with C.R. No. 790 of 2021 dated 13/09/2021, registered with Kondwa Police Station, District- Pune.
3. The complainant is a school teacher at the school

where the victim was studying has lodged the aforesaid First Information Report. It is alleged that the applicant who is the victim's father committed acts which is an offence under the aforesaid provisions. The victim is a minor. The statement under Section 161 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") of the victim came to be recorded on 13/09/2021 where she made allegations against her father/applicant. In the statement under Section 164 of Cr.P.C. recorded on 06/10/2021, the victim has narrated an entirely different version. She stated that her father was facing financial difficulty as a result of which he wanted the victim not to pursue her studies. The victim in the statement under Section 164 of Cr.P.C. stated that she had an affair with a boy with whom she had consensual physical relations. The victim is personally present in the Court today along with her mother. The victim through her advocate insists that she does not want to pursue the matter and that she abides by whatever she has stated in her statement under Section 164 of Cr.P.C.

4. I have heard the learned counsel for the complainant briefly. In my opinion, as the Charge-sheet is filed and the investigation is complete, in the facts of the present case the applicant can be enlarged on bail, as the trial is likely to take a long time to conclude. The applicant is in custody for almost 1 year and 11 months. Hence, the following order is passed.

ORDER

(a) The applicant- Poonaram Jetaji Choudhari in connection with C.R. No. 790 of 2021 dated 13/09/2021, registered with Kondwa Police Station, District- Pune, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(b) 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.

5. The Application is disposed of.

(M. S. KARNIK, J.)