



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

BAIL APPLICATION NO.1264 OF 2023

DARSHAN SADASHIV CHAVAN

..APPLICANT

VS.

THE STATE OF MAHARASHTRA & ANR.

..RESPONDENTS

Adv. Mahindra Deshmukh for the applicant.

Ms. Veera Shinde, APP for the State.

Adv. Keral Mehta for the respondent no.2.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 31, 2023.

P.C. :

- 1.** Leave to amend so as to mask the name of the complainant/victim. Amendment to be carried out forthwith.
- 2.** Heard learned counsel for the applicant, learned APP for the State and learned counsel for the respondent no.2.
- 3.** This is an application for bail in respect of the offence punishable under Section 376 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 3, 4, 5(j) (ii) and 6 of the Protection of Children from Sexual Offence (hereafter 'the POCSO Act' for short) registered on 24/11/2021 vide First Information Report (FIR) No.1048/2021

with Kondhva Police Station.

4. Learned APP as well as learned Advocate appointed by this Court opposed the application.

5. It is submitted that the victim at the relevant time was hardly 14 years of age and she had to suffer abortion. The accusations against the applicant, no doubt, are serious. From the statement of the victim it appears that there was a love affair between the victim and the applicant. The physical relationship may be consensual, but the victim being minor, in view of the provisions of the POCSO Act such consent of the victim is immaterial.

6. The applicant was around 18 years of age at the relevant time. The applicant was delivering milk to earn a livelihood. The applicant is a young boy. The applicant was arrested on 26/11/2021 and is in custody for more than 21 months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. In my opinion, the applicant does not appear to be a flight risk. Considering the age of the applicant and in the facts and circumstances of the present

case, the applicant can be enlarged on bail by imposing stringent conditions. The applicant will face the consequences if found guilty during trial. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Darshan Sadashiv Chavan in connection with C.R. No.1048/2021 registered with Kondhva 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.
- (c) The applicant shall report to Kondhva police station, every first Monday of the alternate month between 11.00 a.m. and 1.00 p.m. commencing October 2023.
- (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) 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.

(f) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the jurisdiction of Kondhva Police Station after being released on bail, till the trial concludes.

7. The application is disposed of.

8. I express my gratitude for the able assistance rendered by the advocate- Keral Mehta representing the respondent no.2. The Legal Services Authority may regularize the appointment of Advocate Keral Mehta.

(M. S. KARNIK, J.)