

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

BAIL APPLICATION NO.1703 OF 2021

Sujit Bheemashankar Gola

@ Sujit Kumar

..Applicant

VS.

The State of Maharashtra and Anr.

..Respondents

Durgesh Jaiswal, Gulestan Dubash a/w Harshal Damania for
the Applicant.

Mr. S. H. Yadav, APP for the State.

Ms. Priyanka Chavan for the respondent no. 2.

Shri Shirdhankar, PSI, Andheri Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 12, 2023

P.C. :

- 1.** Heard learned counsels for the parties and the learned APP for the State.
- 2.** This is an application for bail by the applicant- Sujit Bheemashankar Gola @ Sujit Kumar in connection with C.R. No.643 of 2018 dated 28/12/2018, registered with Andheri Police Station, under sections 363, 376(2)(n), 376(3) of the Indian Penal Code, 1860 and sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
- 3.** The offence was registered on 28/12/2018. At the

relevant time, the applicant was unmarried and the age of the applicant and the victim was 23 years and 15 years respectively. From the victim's narration, it is seen that the victim and the applicant met at Gulbarga. The victim stated that there was a love affair between her and the applicant. The victim on her own went to Gulbarga where the applicant proposed her for marriage. Even on subsequent occasions, the victim went to Gulbarga where the applicant was residing. The victim and the applicant had consensual physical relations. Considering that the victim is below 18 years of age her consent is immaterial.

4. Learned counsel for the victim Ms. Priyanka Chavan and learned APP opposed the application. It is, however, seen that the applicant was arrested on 19/12/2020 and is in custody for almost 2 years and 2 months. The trial has not commenced and is not likely to conclude any time soon. It is not the case of the prosecution that the trial is being delayed or protracted at the instance of the applicant. The charge sheet is filed and the investigation is complete. The applicant is a permanent resident of the Gulberga and the learned counsel for the applicant submits that except for the

purpose of attending trial, the applicant will not enter Mumbai. No criminal antecedents are reported. In this view of the matter, the applicant can be released on bail. Hence, the following order.

ORDER

(a) The Applicant- Sujit Bheemashankar Gola @ Sujit Kumar in connection with C.R. No.643 of 2018 dated 28/12/2018, registered with Andheri Police Station, shall be released on bail on furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(b) 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.

(c) 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.

(d) The applicant shall not enter Mumbai except for the purpose of attending trial.

5. The application is disposed of.

(M. S. KARNIK, J.)