

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1905 OF 2022

Arvind Dhanraj Sonawane ... Applicant
Versus
State of Maharashtra and anr ... Respondents

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Debojyoti Talukdar for the Applicant.
Ms. Rutuja Ambekar, APP for the Respondent – State.
Ms. Megha Bajoria for Respondent No.2.

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CORAM : N.R. BORKAR, J.

DATED : 20 MARCH 2023

P.C. :-

1. This is an Application filed under Section 439 of Criminal Procedure Code, 1973 for bail.
2. The Applicant came to be arrested in Crime No.398 of 2021 registered with Dighi Police Station, Pimpri Chinchwad, Pune for the offences punishable under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), Section 366-A and 376 of Indian Penal Code, 1860.
3. I heard the learned counsel for the Applicant and the learned APP for the Respondent – State.
4. According to the victim she met the Applicant in her school. They thereafter started chatting on Whats-app and became friends. According to the victim on the day of incident, which took place on 15th October, 2021,

the Applicant took her to his house and committed sexual intercourse with her.

5. The learned counsel for the Applicant submits that there was a love affair between the Applicant and the victim. It is submitted that according to the ossification test, the age of victim on the date of alleged incident was more than 16 years and below 18 years.

6. The learned APP and the learned counsel for Respondent No.2 submit that there are documents to show that on the date of alleged incident, the age of victim was 13 years. It is submitted that considering the age of victim, the Applicant may not be released on bail.

7. I have perused the charge-sheet. *Prima facie*, the alleged act of sexual intercourse appears to be consensual. The ossification test report can not be discarded at this stage. The Applicant is in jail for more than 1 ½ years. Considering the overall facts and circumstances of the case, I am inclined to release the Applicant on bail. In the result, following order is passed;

ORDER

- (i) Bail Application is allowed.
- (ii) The Applicant shall be released on bail in Crime No.398 of 2021 registered with Dighi Police Station, Pimpri Chinchwad, Pune for the offences punishable under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), Section 366-A and 376 of Indian Penal Code, 1860 on executing P.R. bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The Applicant shall attend the concerned police station once in a month i.e., on first Saturday

between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

- (iv) Bail Application is disposed of.

(N.R. BORKAR, J.)