

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1643 OF 2020**

Gopal Kisanrao Chavan

...Applicant

Versus

The State of Maharashtra and anr.

...Respondents

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Mr. Satyavrat Joshi i/b Mr. Rohit Shevate for the Applicant.

Mr. P.H. Gaikwad Patil, APP for the State.

Mr. Robin Farnandes i/b Ms Priyanka Chavan for Respondent No. 2.

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CORAM : N.R. BORKAR, J.

DATED : 6 FEBRUARY 2023

P.C. :-

This is an application under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 375 of 2019 registered at Bhosari Police Station, Pimpri Chinchwad for the offences punishable under Sections 366, 376(2)(n) of the Indian Penal Code and Sections 3, 4, 7, 8 of the Protection of Children from Sexual Offences Act.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State and the learned counsel for the respondent No. 2.

4. The applicant was tuition teacher of the victim. According to the

prosecution, in December 2017, the applicant had proposed her for marriage. However, when she refused, he took her to one lodge and there he forcibly committed sexual intercourse with her. According to the prosecutrix, the applicant on many occasions till May 2018 took her to the same lodge and forcibly committed sexual intercourse with her.

5. The learned counsel for the applicant, inter alia, submits that the applicant is in jail for about four years and the trial is not likely to conclude in near future. It is thus submitted that the applicant may be released on bail.

6. On the other hand, the learned APP for the respondent-State and the learned counsel for the respondent No. 2 submit that the applicant is involved in offence of penetrative sexual assault. It is submitted that considering the nature of offence the applicant may not be released on bail.

7. I have perused the statement of prosecutrix. Admittedly, the applicant was tuition teacher of the victim. Prima facie, it does not appear to be a case of love affair. It appears that applicant took advantage of his dominant position as teacher of the victim and committed the alleged crime. Considering the facts and circumstances of the case, I am not inclined to release the applicant on bail.

8. Application is rejected.

(N.R. BORKAR, J.)