



Urmila Ingale

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

BAIL APPLICATION NO. 2809 OF 2023

SARANG SANJAY SHINDE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Mr. Pandit Kasar, for the Applicant.
Ms. Priyanka H. Chavan, for Respondent No.2.
Mr. N. B. Patil, APP for the State.
API- Mr. R.R. Adgale, Kothrud police station, Pune city is present.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 17, 2023

P.C. :

1. Heard learned counsel for the applicant, learned counsel for respondent no. 2 and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under sections 376, 376(2)(n), 506 of the Indian Penal Code, 1860 and under sections 4, 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 registered on 31/03/2023 vide C.R. No. 89 of 2023 with Kothrud Police Station, Pune City. The applicant was arrested on 31/03/2023.
3. The applicant at the relevant time was 20 years of age and the victim on the date of the alleged incident was 17 years and 9 months.

The victim's statement under section 161 was recorded on 31/03/2023. On reading of her statement, though learned counsel for the APP as well as learned counsel for the complainant submitted that the physical relationship was an outcome of threat issued at the instance of the present applicant, prima facie, in my opinion, the possibility of there being a consensual relationship cannot be ruled out. The applicant is in custody since 31/03/2023. The investigation is complete. The charge-sheet has been filed. Learned counsel for the applicant submitted the romantic relationship between teenager should not criminalised. Though the consent of the victim is immaterial she being a minor, however, in the facts and circumstances of the present case, looking at the age of the applicant, he being a student having no criminal antecedents reported against him, now that he is in pre-trial custody for over 6 months, the applicant can be enlarged on bail by imposing conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Sarang Sanjay Shinde in connection with C.R. No.89 of 2023 registered with Kothrud police station, Pune City shall be released on bail on his furnishing PR. Bond of Rs.15,000/- with

one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 15,000/- for a period of 6 weeks in lieu of surety.

(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 mobile number/contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(f) The applicant shall not establish any contact with the victim or intimidate her.

(g) The applicant shall not enter the jurisdiction of Kothrud and Warje police stations after being released on bail, till the trial concludes.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

5. The application is disposed of.

6. I appreciate the valuable assistance rendered by Ms. Priyanka H. Chavan, the learned Advocate, who appeared on behalf of respondent

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No.2 at my request in this proceeding. Her engagement be regularized by the Legal Services Authority.

(M. S. KARNIK, J.)