

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

BAIL APPLICATION NO. 4456 OF 2021

Shrikant Pandurang Sabale ..Applicant

VS.

The State of Maharashtra and Anr. ..Respondent

Adv. Kamran S. Shaikh a/w Adv. Ritesh M. Thobde a/w Adv.
Changdev S. Shingade i/b Adv. Sagar S. Tambe for the
Applicant.

Adv. Tripty M. Kapadia for the Respondent no. 2.

Ms. A. A. Takalkar, APP for the State.

Pradip V. Kadam, Salgarwasti Police Station, Solapur.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 27, 2023

P.C. :

- 1.** Heard learned counsel for the parties and learned APP for the State.
- 2.** This is an application for bail by the applicant- Shrikant Pandurang Sabale in connection with C.R. No.138 of 2021 dated 30/06/2021, registered with Salgar Wasti Police Station, Solapur, under sections 376(2)(i)(n), 354-D, 506 of the Indian Penal Code, 1860 and sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
- 3.** The statement of the victim under section 161 of the

Code of Criminal Procedure, 1973 ("Cr.P.C." for short) was recorded on 29/06/2021 when she was 14 years and 8 months old. In the said statement she stated that the applicant and the co-accused who were well-known to her from her childhood are her neighbours. The applicant proposed a love affair relationship with the victim. On some occasions when the parents of the victim were not at home, the applicant would come and have forcible physical relations with her. This happened on 3 to 4 occasions. The victim in the statement has also stated that another neighbour of her's i.e. co-accused - Lahu too proposed to her and had forcible physical relations with her. It is after the victim complained of uneasiness that the victim's mother took her to the Doctor. It was realised that she was pregnant. She underwent an abortion. The DNA test conducted reveals the applicant to be the biological father.

4. From the reading of the First Information Report, *prima facie*, it appears that there was a love affair between the applicant who was 20 years of age and the victim who was around 14 ½ years of age. Considering the age of the victim her consent is immaterial. The applicant, then a

young boy, was arrested on 30/06/2021 and now is in custody for more than 1 year and 8 months. The investigation is complete and the charge-sheet has been filed. The trial is likely to take a long time to conclude. There are no criminal antecedents reported against the applicant. In my opinion, instead of continuing the incarceration of the applicant as a pre-trial punishment, the applicant can be released on bail by imposing stringent conditions. The applicant will face the consequences post-trial if he is found guilty. Hence, the following order.

ORDER

(a) Applicant- Shrikant Pandurang Sabale in connection with C.R. No.138 of 2021, registered with Salgar Wasti 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;

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

(c) 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;

(d) The applicant shall report to the Salgar Wasti police station as and when called;

(e) Unless called by the Investigating Officer, the applicant shall not enter the jurisdiction of Salgar Wasti police station till the trial is over;

(f) The applicant shall not try to establish any contact or influence the victim;

(g) 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;

(h) The applicant shall attend the trial regularly.

5. The application is disposed of.

6. I appreciate the assistance rendered by Advocate Tripty M. Kapadia who appeared on behalf of the complainant in these proceedings.

(M. S. KARNIK, J.)