

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3534 OF 2022

Suhas Shivaji Lokhande

Applicant

versus

The State of Maharashtra and another

Respondents

Mr.Mr.Abhijeet Randive i/by Mukund S.Mane, Advocate for Applicant.

Mr.Vinay Bhanushali, Advocate for Respondent no.2.

Ms.Priyanka S.Rane, APP for State.

CORAM : ANIL S.KILOR, J.

DATE : 28th June 2024

PC :

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Special Case Child Protection No.13 of 2022 pending at District and Sessions Court, Vaduj arising out of Crime No.81 of 2022 registered with Mhaswad Police Station, District Satara, for the offences punishable under Sections 363, 376, 376(2)(f) of the Indian Penal Code r/w Sections 3(a), 5(n), 6 of Protection of Children from Sexual Offences Act, 2012

3. The allegations in the present FIR are that the Applicant has taken away the minor victim from the lawful custody of her parents and committed sexual intercourse.

4. Learned counsel for Applicant submits that medical evidence does not support the case of prosecution of sexual intercourse. It is submitted that there is a dispute about the age of victim. According to the prosecution, the age of victim is 12 years whereas, medical report shows that she is above 13 years and below 15 years. He submits that Applicant is in jail from last two and half years and as the charge sheet has already been filed, his custody is not required.

5. Learned APP strongly opposed the application considering the age of victim and conduct of Applicant who has taken away the victim from the lawful custody of parents i.e. from her school by citing frivolous reasons to the teacher relating to her health issue. The Applicant and the victim were together for seven days and medical opinion supports the case of prosecution.

6. The learned counsel for the Respondent reiterates the submission of learned APP and points out the statement of victim recorded u/s.164 of Cr.PC. It is submitted that since there is sufficient evidence available on record to prima facie show the involvement of the Applicant in the alleged offence, the Applicant may not be granted bail.

7. Considering the rival submissions and having gone through the charge sheet it is evident that the victim is minor and on the date of incidence even if the case of the applicant is accepted, she was above 13 years and below 15 years of age. Applicant cited a false reason to the teacher and requested to take her to Doctor for medical treatment and taken the victim away from the lawful custody of parents. From the medical report it is evident that prima facie sexual assault was committed.

8. Thus, considering the seriousness of the offence I am not inclined to grant bail to the Applicant. Accordingly Bail Application is rejected.

(ANIL S.KILOR, J.)

MST