

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

BAIL APPLICATION NO.2463 OF 2023

Preetam @ Suraj Gangaram Pawar

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Satyavrat Joshi i/b Ashish S. Vernekar, for the Applicant.

Ms. Veera Shinde, APP, for the Respondent No.1-State.

Ms. Samiksha Pawar, for Respondent No.2.

Mr. Deepak Barge, A.P.I.-Hadapsar Police Station, Pune, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 28 MARCH 2024

P. C.

1. Heard Mr. Joshi, learned Counsel for the Applicant, Ms. Shinde, learned APP for the Respondent No.1-State and Ms. Pawar, learned Counsel appointed to represent Respondent No.2.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C. R. No.	499 of 2023
2	Date of registration of F.I.R.	30/03/2023
3	Name of Police Station	Hadapsar, District-Pune
4	Section/s invoked	376(2)(i), 376(2)(n) & 506(2) of the <i>I.P.C., 1860</i> ; 4, 6, 8, 10, & 12 of the <i>POCSO Act, 2012</i> .
5	Date of incident	30/12/2022 - 01/03/2023
6	Date of arrest	30/03/2023

7	Date of filing Charge-sheet	25/05/2023
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3. As per the prosecution case, the victim who was aged 16 years and 9 months at the time of the incident in question and the Applicant were in a relationship. Initially, they were in a consensual relationship but later the victim refused to continue the same. The Applicant then threatened the victim that he would widely share their intimate and private videos and therefore the victim under this threat continued the relationship with the Applicant. It appears that the victim was impregnated by the Applicant and thereafter the F.I.R. was lodged on 30th March 2023. As per the F.I.R., the Applicant had sexual relations with the victim from December 2022 to March 2023.

4. Mr. Joshi, learned Counsel for the Applicant submitted that the Applicant is a young man aged 22 years. The Applicant and the victim were in romantic relationship. He submitted that the age of the victim at the relevant time was 16 years and 9 months. He submitted that the victim was old enough to understand her actions. He submitted that even the F.I.R. clearly shows the relations were consensual in nature. He submitted that there is an allegation regarding filming of sexual intercourse and of making threats to widely share the said videos. However, he submitted that the Applicant's cell phone which was used to film the said videos has already been seized. The Investigation is completed. He submitted that the trial will take a considerably long

time. The Applicant is a young man and there is no other antecedent against the Applicant.

5. On the other hand, Ms. Shinde, learned APP and Ms. Pawar, learned Counsel appointed to represent the Respondent No.2 strongly opposed the Bail Application. He submitted that although there was a consensual relationship between the Applicant and the victim, but when the victim refused to have sexual intercourse with the Applicant, the Applicant threatened the victim by saying that he would widely share the said videos and therefore the victim was pressurised to continue the relationship with the Applicant. Both of them submitted that the victim was pregnant and the Applicant used some unscientific and unsafe method to induce an abortion on the victim.

6. Perusal of the record shows that the F.I.R. was lodged on 30th March 2023. The Applicant was arrested on 30th March 2023. It is an admitted position that investigation has been completed and Charge-sheet was filed on 25th May 2023. As per the Charge-sheet there are 13 witnesses proposed to be examined by the prosecution. There is no further progress in the trial and even the charges are also not framed. The Applicant is incarcerated since around one year. Accordingly, the trial will take a considerably long time.

7. Although *prima facie* there is substance in the contention advanced by learned Counsel for the Applicant that initially the

relationship was consensual, however Ms. Shinde, learned APP and Ms. Pawar, learned Counsel appointed to represent the Respondent No.2 are right in contending that thereafter the Applicant threatened to widely share the said videos and therefore the victim was pressurized to continue the relationship against her wishes. However, the investigation is completed and the cell phone which was used for filming the said videos has also been seized. The Applicant is a young person aged 22 years. Admittedly, there was a relationship between the Applicant and the victim. The Applicant does not have any criminal antecedents.

8. Mr. Joshi, learned Counsel for the Applicant, after taking instructions from the Applicant, states that as the victim and some of the witnesses are from Pune district, the Applicant will therefore not reside within District-Pune and that the Applicant will reside at Post-Shiral, Taluka-Ashti, District-Beed.

9. The Applicant does not appear to be at risk of flight.

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

11. In view thereof, the following order:-

ORDER

- (a) The Applicant-Preetam @ Suraj Gangaram Pawar be released on bail in connection with C.R. No.499 of 2023 registered with the Hadapsar Police Station, District-Pune on his furnishing P.R. Bond of Rs.25,000/- with one or two local

solvent sureties in the like amount.

- (b) The Applicant shall not enter the Pune district after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial.
- (c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall report to the Ashti Police Station, District-Beed once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Ashti Police Station, District-Beed to communicate details thereof to the Investigating Officer.
- (e) 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 such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

12. The Bail Application is disposed of accordingly.

13. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by

the observations made in this Order.

14. This Court places on record its appreciation for the assistance rendered by Ms. Samiksha Pawar, learned Counsel appointed to represent the interests of the Respondent No.2. Professional charges be paid to her as per rules and her name be included on the Panel of the High Court Legal Services Committee, Mumbai.

[MADHAV J. JAMDAR, J.]