

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

BAIL APPLICATION NO.4059 OF 2023

Shankar Satish Chilgar

.Applicant

Versus

The State of Maharashtra & anr.

.Respondents

Mr. Ganesh Gupta a/w. Mr. Mahesh Hawa, Mr. Sahil Ghorpade & Mr. Madan Khansole, Advocates, for the Applicant.
Ms. S. S. Kaushik, APP, for Respondent No. 1 – State.
Ms. Trupti M. Khamkar, Advocate, for Respondent No. 2.

CORAM: MADHAV J. JAMDAR, J.

DATE: 12.02.2024

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1. Heard Mr. Gupta, learned Counsel appearing for the Applicant, Ms. Kaushik, learned APP appearing for the Respondent No.1-State and Ms. Khamkar, learned Counsel appearing for the 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.	838 of 2021
2.	Date of Registration of F.I.R.	07.11.2021
3.	Name of Police Station	Hinjewadi Police Station, Pune
4.	Section invoked	363, 366(A) & 376 of the IPC, 1860
5.	Date of incident	04.11.2021

6.	Date of arrest	13.11.2021
7.	Date of filing Charge-sheet	10.01.2022

3. Mr. Gupta, learned Counsel appearing for the Applicant states that the Applicant is a student aged 19 years. The relationship between the Applicant and the victim was consensual in nature. He submitted that the F.I.R. was lodged on 07.11.2021, the Applicant was arrested on 13.11.2021, the Charge-sheet was filed on 10.01.2022 and still there is no progress in the trial. He submitted that there are no antecedents.

4. Ms. Kaushik, learned APP appearing for Respondent No.1 - State and Ms. Khamkar, learned Counsel appearing for Respondent No.2 vehemently opposed the Bail Application on the ground that at the relevant time, the age of the victim was about 15 years. Both of them, therefore, submitted that bail may not be granted to the Applicant.

5. Mr. Gupta, learned Counsel appearing for the Applicant submitted that there is a variance in the date of birth of the victim between her Aadhaar Card and the *Bona fide* Certificate and that there is a ten months difference between the date of birth mentioned on the Aadhaar Card and that on the *Bona fide* Certificate. The age of the victim is about 15 years.

6. The record shows that the F.I.R. is dated 07.11.2021. The

Applicant was arrested on 13.11.2021 and Charge-sheet was filed on 10.01.2022. As per the Charge-sheet, there are about 20 witnesses proposed to be examined by the prosecution. The trial is likely to take a considerably long time.

7. Prima facie, the relationship was consensual. The Applicant is a student aged 19 years.

8. The Applicant does not have any criminal antecedents.

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

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

(a) The Applicant – Mr. Shankar Satish Chilgar be released on bail in connection with C. R. No.838 of 2021 registered with the Hinjewadi Police Station, Pune on his furnishing P. R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(b) 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.

(c) The Applicant shall report to the Hinjewadi Police Station, Pune on the Sunday of every week between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(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 such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the evidence and shall not contact or influence the Complainant or any witnesses in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

11. The Bail Application is disposed of accordingly.

12. It is clarified that the observations made herein are *prima facie* and the trial Court shall decide the case on its own merits and uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]