

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

CRIMINAL BAIL APPLICATION NO.3760 OF 2024

Jay Anil Sawant ...Applicant
V/s.
The State of Maharashtra & Anr. ...Respondents

Mr. Harekrishna Mishra a/w Adv. Jyoti S. Gupta i/by Adv. Prablin Singh Abrol, for the Applicant.

Mr. S.V. Walve, APP for the Respondent No.1-State.

Ms. Sanskruti Yagnik (Appointed Advocate), for the Respondent No.2.

PSI – Appa Kamble, Aarey Police Station, Mumbai, present.

CORAM : SHYAM C. CHANDAK, J.

DATED : 10th JUNE, 2026

P.C. :-

. Present Application seeks release of the Applicant on bail in connection with C.R. No.472 of 2022 registered with Aarey Police Station, Mumbai for offences punishable under Sections 376(3), 363, 354, 354-A of the Indian Penal Code, 1860, under Sections 4, 8 and 12 of the Protection of Children From Sexual Offences Act, 2012 and under Sections 66(C) & 66(E) of Information and Technology Act, 2000, based on the report dated 9th December 2022, filed by the mother of the victim girl aged 13 years. The trial Court refused to release the Applicant on bail

2) Heard Mr. Mishra, learned Counsel for the Applicant, Mr.Walve, learned APP for Respondent No.1-State and Ms. Yagnik, learned appointed Counsel for Respondent No.2.

3) Mr. Mishra, learned Counsel for the Applicant submitted that the Applicant and victim came in contact with each other through the social media “Instagram”. Gradually, friendship developed between them

and therefore, they decided to elope. Then the victim and the Applicant met at Mumbai and then they went to Wakad. The allegation of forcible sexual intercourse made by the victim is at the instance of her parents. This is a case of love affair. The Applicant is young. His detention in jail is not required for purpose. Therefore, the Applicant may be released on bail.

4) Mr. Walve, learned APP and Ms. Yagnik, learned appointed Counsel for Respondent No.2 submitted that the material on record clearly indicates that the Applicant induced the victim to elope with him and then he took her to his residence at Wakad, where, he committed forcible sexual intercourse with. Therefore, bail may be rejected.

5) I have considered these submissions. The statement of the victim indicates that she and the Applicant came in contact with each other through Instagram. Then, they met at Goregaon on 9th December, 2022. Thereafter, as told by the Applicant *via* Instagram message, the victim went to Goregaon station, from where, they went to Wakad, Pune. On 11th December, 2022 the Applicant committed forcible sexual intercourse with the victim. The medical report supports the case of the victim. Thus, there is *prima facie* case against the Applicant of having committed the alleged offences.

6) Be that as it may. From the record, *prima facie* it appears that the victim and the Applicant were in love relationship. The statement of Applicant's mother indicates that, when she inquired with the victim and the Applicant about their love relationship, they threatened to commit suicide. The Applicant belongs to poor strata of the Society. His father has been working in a private company. The Applicant was just aged 18 years and 9 months at the time of the offence. From the material on record, it appears that, the Applicant could not realized the serious consequences of this offence due to young age. The Applicant has been behind bars for last 3 years and 6 months. His mental and physical well-being must be

adversely affecting due to his detention in jail. The trial will take a considerable time. The detention of the Applicant will not serve any purpose. The Applicant is resident of Wakad, Pune. He is not likely to tamper with prosecution evidence and abscond.

7) In the wake of above, the Applicant is entitled for bail. Hence, following Order is passed:-

- (i) Bail Application is allowed.
- (ii) The Applicant – Jay Anil Sawant shall be released on bail in connection with C.R. No.472 of 2022 registered with Aarey Police Station, Mumbai for the offences punishable under Sections 376(3), 363, 354, 354-A of the IPC, and under Sections 4, 8 and 12 of the POCSO Act and Sections 66(C) & 66(E) of I.T. Act, on his furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- (iii) The Applicant shall mark his attendance at Aarey Police Station, Mumbai on the 1st day of each calendar month between 12:00 noon to 4:00 p.m., till the conclusion of the trial.
- (iv) The Applicant shall regularly attend the proceedings before the jurisdictional Court unless exempted by the said Court, for the reasons to be recorded in writing.
- (v) The Applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence upon the prosecution witness to prevent them from deposing against him.
- (vi) On being released from jail, the Applicant shall furnish his contact number and residential address to the Investigation Officer and shall keep him updated, in case there is any change.

(vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination to the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the Applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

(SHYAM C. CHANDAK, J.)