

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2139 OF 2013

SHRI SUNIL KESHAVRAO NAIK)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Umesh Mankapure, Advocate for the Applicant.

Mrs.A.A.Mane, APP for the Respondent / State.

CORAM: SMT.R.P.SONDURBALDOTA, J.

DATE : 20th DECEMBER, 2013.

P.C. :

1 The applicant was arrested on 9th October 2013, in C.R.No.124 of 2013, registered with Jath Police Station, District Sangli, for the offences punishable under Sections 363, 366A, 376 read with Section 34 of the Indian Penal Code (IPC) and under Section 4 of Protection of Children from Sexual Offences Act.

2 On 5th September 2013, mother of the victim girl complained to the police that her daughter, aged 14 years, was found missing from the house on the evening on that date. While she was searching for her daughter, one Bharku Pujary from the same village informed her that her daughter was seen in the company of accused no.2 at “vaspeth”. The complainant, therefore, suspected that accused no.2 and his family members, with whom the family of the complainant is on inimical terms, had kidnapped her daughter. The daughter returned home on the midnight of 6th September 2013. In her statement, the daughter alleges that on 5th September 2013 at about 10.30 a.m., while she was proceeding to her school, the applicant herein and accused no.2 came over motorcycle being driven by the applicant. Applicant no.2 forced the daughter to sit on the motorcycle and she was taken to Village Guddapur. From there, accused no.2 took the daughter by State Transport bus to Jath and from Jath by another State Transport bus to Kolhapur. Both again travelled by State Transport bus to Ichalkaranji. They reached Ichalkaranji in the early morning. Accused no.2 took the daughter of the complainant by an autorickshaw to a temple and went out somewhere. After he returned, he took her to the adjoining field and ravished her. Then, on the same

day, at about 4.00 p.m., both came to Ichalkaranji bus stand from where, the grandmother of accused no.2 and others brought her by car and left her near her house.

3 The facts narrated by the daughter of the complainant shows that there were several opportunities for her to escape, or atleast to seek help. But none of the opportunities had been taken by her. In all probability, this was a case of love affair between a minor girl and accused no.2. Further, as far as the applicant is concerned, the only charge that can be attracted against him is for the offence punishable under Section 363 of IPC. In the circumstance, continued custody of the applicant is not required and he can be released on bail. The learned APP points out that the Sessions court has refused bail to the applicant on the ground that he may pressurise the witnesses if released on bail. The witnesses cited for the prosecution are the relatives of the girl. Therefore, there is a remote chance of they being influenced by the applicant. Hence the application is allowed.

4 The applicant be released on bail in C.R.No.124 of 2013, registered with Jath Police Station, District Sangli, for the offences punishable under Sections 363, 366A, 376 read with Section 34 of the

Indian Penal Code and under Section 4 of Protection of Children from Sexual Offences Act, in the sum of Rs.40,000/- with one or two surety/sureties in the like amount. The applicant shall attend Jath Police station as and when called by the police. He 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 any facts to the court or to any police officer. The applicant shall not leave India without the previous permission of the court.

(SMT.R.P.SONDURBALDOTA, J.)