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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.324 OF 2015

Veerdhawal Nathu Pol	...	Applicant
V/s.		
Senior Inspector of Police, Dharavi		
Police Station and Anr.	...	Respondents

Ms.Shabnam L., i/b Ms.Nirmala Bhosale, for the Applicant.
Ms.A.T.Javeri, APP for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.
DATED : 4th MARCH, 2015.

PC.

1. Heard learned counsel for the applicant and learned APP for the Respondent – State.
2. By this application, the Applicant seeks pre-arrest bail, in connection with C.R. No.97 of 2015 registered with the Dharavi Police Station, Mumbai, for the alleged offences punishable under Section 363 and 376 of the Indian Penal Code.
3. Learned Counsel for the applicant contended that the applicant and the prosecutrix were known to each other and had got married. She submitted that the prosecutrix had disclosed her age, as having completed

18 years of age. She submitted that the prosecutrix was neither kidnapped nor was any rape committed on her, as alleged by the complainant.

4. Learned APP submits that the complaint has been lodged by the father of the prosecutrix, alleging offences punishable under Section 363 and 376 of the Indian Penal Code. Learned APP has also produced a birth certificate of the prosecutrix, which shows that the prosecutrix was born on 16th November, 1997.

5. Perused the statement of the prosecutrix - victim girl and the certificate of SSC Board, which shows the age of the prosecutrix as 5th March, 1996 in the school records. It appears that the prosecutrix had willingly gone with the applicant on her own accord, got married to him ; had relations with the applicant, as she was 18 years of age.

6. Considering the statement of the prosecutrix, the applicant deserves to be granted pre-arrest bail on the following terms and conditions :

ORDER

- i) In the event of the arrest, the Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;
- ii) The Applicant shall attend the Dharavi Police Station, Mumbai, on 1st and 3rd Saturday of every month between 10.00 a.m. to 11.00 a.m., till the conclusion of the trial;
- iii) The Applicant shall not tamper or attempt to influence the complainant or any persons concerned with the case ;
- iv) The Applicant shall co-operate with the Investigating Agency.

7. The Application is allowed and disposed of in above terms.

8. The aforesaid observations are prima-facie, and the Trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. Parties to act upon an authenticated copy of this order.

(REVATI MOHITE DERE, J.)