

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.580 OF 2015

Onkar Jayram Bhor ..Applicant
-Versus-
State of Maharashtra ..Respondent

Mr.Hemant Zanjad for applicant
Mr.J.H.Ramugade, APP for State.

CORAM : MRIDULA BHATKAR, J.
DATE : 7th April 2015.

P.C.

1] The applicant has moved this application for bail. The applicant accused is facing charges under section 363, 366, 366A and 376 of the Indian Penal Code in C.R.No.333 of 2014 registered with Manchar police station, Dist. Pune. It is the case of the prosecution that the victim was 15 years and 10 months old when she was kidnapped and raped by the applicant accused. On 10th November 2014 the family members of the victim found that she was not at home and, therefore, on the same day they lodged a missing complaint of the victim at Manchar police station.

2] On that day, the applicant accused telephoned the mother of the victim and informed her that he wanted to marry the victim and

therefore, he has taken her with him. It is the further case of the prosecution that the applicant accused and victim stayed together in the lodge at Shirdi and there the applicant raped her between 10th November 2014 and 12th November 2014. On 15th November 2014 the police arrested the applicant. He is in prison since then.

3] Learned Counsel for the applicant submits that the age of the prosecutrix was nearly 16 years and the age of the applicant accused was 19 years when the incident has taken place. He submitted that the applicant accused wanted to marry her. He submits that he is in the prison since 15th November 2014 and there are no criminal antecedents in the name of the applicant accused.

4] The prosecutor opposed the application. He relied upon the medical report so also the birth certificate of the victim disclosing that she was minor at the time of the incident. The birth certificate discloses that the prosecutrix was minor. Considering the age of the applicant accused, who was 19 years old at that time and he is in prison since 15th November 2014 and further in view of the submissions made by the learned Counsel for the applicant, I am of

inclined to pass the following order:-

- I) The application is allowed.
- II) The applicant/ accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.15,000/- with one or two sureties in the like amount.
- III) The applicant shall not tamper with the evidence.
- IV) The applicant shall not indulge into any criminal activity.
- V) The applicant/accused shall not pressurise the complainant and other persons. The applicant shall not keep contact with the victim;
- VI) The applicant/ accused shall make himself available and attend all the court dates.
- VII) The applicant/ accused shall not abscond and shall furnish his permanent address to the police along with the address proof.
- VIII) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.
- IX) The applicant/accused shall not leave India without the prior permission of the court.

(Mrs.Mridula Bhatkar, J)