

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.970 OF 2015

Mr. Sachin Daulat Shelke	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. K T Babu, Adv. a/w. Ms. Rekha Satpute, Adv. a/w. Sachin Borhade, Adv. a/w. Samidha Mondal, Adv. i/b. Rekha D Satpute, Adv. for applicant.

Mrs. R V Newton, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 7th December, 2015.

P.C. :

1. This is an application for bail filed by the aforesaid applicant who is facing trial in Sessions Case No.49 of 2014 pending on the file of Sessions Court, Alibaug. The said case arises from C R No.134 of 2014 registered at Khopoli Police Station for the offences punishable under Sections 363, 344 & 376 and 3, 4, 7 and 11 of the Protection of Children from Sexual Offence Act, 2012.

2. Mr. Babu, the learned counsel for the applicant has submitted that the applicant is not involved in commission of the crime. He has stated that the applicant is in custody since August, 2014. He, therefore, claims that the applicant is entitled for bail.

3. Mrs. Newton, the learned APP for State submits that the

statement of the victim who is a minor prima facie reveals that the applicant had kidnapped her and had sexual relations with her.

4. I have perused the records the considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. The FIR dated 31st October, 2014 lodged by the father of the victim prima facie reveals that the victim and the applicant were known to each other. The FIR further reveals that on 18th March, 2014 the victim had gone to college to answer her papers and that she has not returned home. Therefore the father of the victim had lodged a missing report on 31st October, 2014.

5. On 29th July, 2014 he received information that his daughter was at Tirupati, Andhra Pradesh. He contacted his daughter and she told him, that she had gone to Tirupati along with applicant, who was known to her. Since the victim was a minor, the father of the victim lodged a complaint against the applicant for kidnapping his daughter.

6. It is to be noted that the victim though a minor, was about 17 years of age. Her statement prima facie reveals that she had gone

with the applicant to Hyderabad from 19th March, 2014 and stayed with him till August, 2014. Though she has stated that the applicant had not allowed her to phone or talk to her parents, her statement prima facie reveals that the applicant was working in hotel as waiter. Her statement further reveals that she has visited different places along with the applicant. Considering the above facts, in my considered view, this is not fit case to detain the applicant any further.

7. Hence the application is allowed on the following terms.

1. In the event of arrest of the applicant in C R No.134 of 2014 registered at Khopoli Police Station, the applicant shall be released on bail bond of Rs.25,000/(Rupees Twenty Five Thousand Only) with one or two sureties in the like amount to the satisfaction of the Addl. Sessions Judge, Raigad-Alibag.
2. The applicant shall furnish his permanent / temporary address, if any, to the investigating officer. The Investigating officer shall verify the said address before the applicant is released on bail.
3. The applicant shall not leave district Raigad till the disposal of the case, without prior permission of the Sessions Court, Raigad-Alibag.
4. The applicants shall not tamper with the evidence or influence complainant and witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)