

Anand

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

CRIMINAL APPLICATION NO.1245 OF 2015

Raju Arjun Kamble .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.K.S.Patil, Advocate, for the Applicant

Mrs.P.P.Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 30.09.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R.No.47 of 2014 registered with the Karjat Police Station, Raigad, for the alleged offences punishable under Sections 363, 366, 376 r/w.34 of the Indian Penal Code and under Sections 3, 4, 8, 11 & 12 of the Protection of Children from

Sexual Offences Act.

3. The complainant is the father of the prosecutrix. He has alleged that on 21.03.2014 his two daughters including the prosecutrix left home and did not return. Pursuant to the same, an FIR was lodged as against unknown person.

4. Learned counsel for the applicant submits that the prosecutrix was aged 16 years at the relevant time was having an affair with the present applicant. He submitted that the prosecutrix had on her own accord run away with the applicant, as they wanted to get married.

5. Learned APP submits that the prosecutrix was a minor and therefore, consent of the prosecutrix is immaterial. She submitted that the applicant aged 26 years was married man with two children. She further submits that the

applicant is from Karnataka and hence, it will be difficult to secure his presence for trial.

6. Perused the charge-sheet, in particular, the statement of the prosecutrix. It appears that the prosecutrix and the applicant were in a relationship and that she ran away with the applicant, as he had promised to marry her and as she too wanted to marry him. It also appears that the applicant took her to several places including Karnataka and had physical relations with her.

7. No doubt, consent of the prosecutrix is immaterial as she was a minor, however considering the nature of allegations and the material on record as against the applicant and the fact that investigation is complete and charge sheet is filed, the applicant is enlarged on bail on the following terms and conditions:

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.20,000/- with one or two local sureties in the like amount;
- (ii) The applicant shall attend the Karjat Police Station, Raigad Police Station on the first 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 or contact the prosecutrix, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The applicant to cooperate with the conduct of the trial;

(vi) The applicant shall not enter the Naldhe, Post – Sugave, Tal.Karjat till the conclusion of the trial;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein 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.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)

CERTIFICATE

Certified to be true and correct copy
of the original signed Judgment/order.