

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1715 OF 2015**

Prashant @ Parshuram Ramhari Nalawade	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Prashant S. Hagare for the Applicant

Ms. Rutuja Ambekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

MONDAY, 14TH SEPTEMBER, 2015

P.C. :

1. Leave to amend to delete the name of the prosecutrix.
Amendment to be carried out forthwith.

2. Heard learned Counsel for the applicant and the learned A.P.P
for the State.

3. By this application, the applicant seeks his enlargement on bail
in connection with C.R. No. 55 of 2015 registered with the Walchandnagar
Police Station, Pune, for the alleged offences punishable under Sections
363, 366(A) of the Indian Penal Code ('IPC'). Subsequently, Sections 376

r/w 34 of the IPC and Sections 6 and 12 of the Protection of Children from Sexual Offences Act ('POCSO'), came to be added.

4. The complaint has been lodged by the father of the prosecutrix. He has alleged that on 17th April, 2015, his daughter aged 15 years was found missing from the house. He has stated that on 17th-18th April, 2015, they looked for the prosecutrix, however, she was not traceable. He has alleged that they learnt that the present applicant was also found missing from his house and hence, a complaint came to be lodged as against the applicant alleging offences punishable under Sections 363 and 366 of the IPC. The prosecutrix was thereafter found on 24th April, 2015. Pursuant to her statement, which was recorded on 24th April, 2015, Section 376 r/w Section 34 and Sections 6 and 12 of the POCSO came to be added.

5. Perused the complaint as well as the statement of the prosecutrix dated 24th April, 2015. A perusal of the statement shows that she was in love with the applicant and had left the house on her own accord and gone with the applicant. She has stated that from 2014, she has been going around with the applicant and that they had physical relations.

According to the prosecutrix, she left home along with the applicant on 18th April, 2015 and went to various places where they had physical relations. She has also stated that they went to Alandi where they got married after exchanging garlands. No doubt, the applicant was aged 15 years and was a minor at the relevant time and that consent is immaterial, however, considering the peculiar facts of the case and more particularly, in view of the statement of the prosecutrix and the fact that the 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. 10,000/- with one or two sureties in the like amount;
- (ii) The applicant shall not enter Village Shelgaon till the disposal of the trial;
- (iii) The applicant shall not tamper or attempt to influence or contact the prosecutrix 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 shall cooperate with the conduct of the trial.

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

7. 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.

8. 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
order.
