

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

CRIMINAL APPLICATION NO. 1795 OF 2015

Shri Avinash Arun Nalawade

... Applicant.

V/s.

The State of Maharashtra

... Respondent.

Mr. S. P. Kadam i/by P. H. Gaikwad, Advocate for the Applicant.

Ms. Veera Shinde, A.P.P. for the Respondent – State.

PC-S.M. Lande, Walchandnagar Police Station, Pune is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 16th SEPTEMBER, 2015

P.C. :

1 Heard learned counsel for the applicant and learned APP for the State.

2 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. 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.

3 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 one Prashant Nalawade was also missing from his house and hence, a complaint was lodged as against the said Prashant, 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.

4 Perused the complaint as well as the statement of the prosecutrix dated 24th April, 2015. A perusal of the statement of the prosecutrix n shows that she was in love with Prashant Nalawade and that she had left the house on her own accord and gone with Prashant. She has stated that from 2014, she was going around with Prashant and that they were in a physical relationship. According to the prosecutrix, she left home with Prashant 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.

5 Learned counsel for the applicant states that there are no allegations of 376 as against the present applicant. He submitted that the present applicant is only alleged to have accompanied the co-accused Prashant. Vide order dated 14th September, 2015, this court has enlarged co-accused Prashant on bail. The alleged role of the present applicant is that he accompanied co-accused Prashant.

6 Considering the nature of allegations, the role of 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 furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;
- (ii) The applicant shall not tamper or attempt to influence or contact the prosecutrix or any other person concerned with the case.

(iii) 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 or the concerned police station;

(iv) The applicant shall co-operate with the conduct of the trial.

7 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.)

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CERTIFICATE

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