

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

BAIL APPLICATION NO.1906 OF 2015

Akhtar @ Jaan Munir Khan

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Satyavrat Joshi for the Applicant.

Ms G.P. Mulekar, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 2nd DECEMBER, 2015.

P. C. :

This is an application filed by the aforesaid Applicant, who is an accused in Special Case No.113 of 2015 pending on the file of the Sessions Court, Pune. Said case arises from C.R. No.36 of 2015 for the offences punishable under sections 363, 366 and 376 (2) of the IPC and sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Mr. Satyavrat Joshi, the learned counsel for the Applicant has submitted that the Applicant is a 19 year old boy and that the victim had eloped with him and that he is in custody since 24.2.2015.

He has further submitted that considering the age of the Applicant, he may be released on bail.

3. The learned APP submits that the evidence of the victim has already been recorded and nine witnesses are yet to be examined. She further submitted that the application can be disposed of by giving directions to the Sessions Court to dispose of the matter within two months.

4. I have perused the record and considered the submissions advanced by the learned counsel for the Applicant and the the learned APP for the Respondent-State.

5. The records prima facie reveal that the victim is a child, who is 15 years and 11 months of age. Whereas the Applicant herein is a 19 year old boy. The statement of the victim reveals that she knew the Applicant and they used to meet each other. She used to go to his room to meet him. Both had physical relations with each other. On 10.2.2015 she left her house and proceeded to Gorakhpur, Uttar Pradesh alongwith the Applicant. In the meantime mother of the victim had lodged a report dated 12.2.2015 that her daughter was missing from the house and she suspected that her daughter was

kidnapped by unknown persons. Subsequently the victim and the Applicant were traced on 21.2.2015.

6. It is true that the victim is a minor and her consent is not relevant. However, considering the fact that the Applicant himself is a boy of 19 years of age and also considering the fact that the evidence of the victim is already recorded, in my considered view no fruitful purpose will be served by detaining the Applicant any further.

7. Under the circumstances, the bail application is allowed on the following terms and conditions:-

(i) The Applicant is ordered to be released on bail on furnishing PR bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties in the like amount to the satisfaction of Special Judge, Sessions Court, Pune.

(ii) The Applicant shall not leave the jurisdiction of Pune-District without prior permission of the Special Judge, Sessions Court, Pune.

(iii) The Applicant shall attend each and every date of hearing before the Trial Court.

(iv) The Applicant shall furnish his permanent as well as the temporary address, if any, to the Investigating Officer and the Investigating Officer shall verify the said addressed before the Applicant is released on bail.

(ANUJA PRABHUDESSAI, J.)